

**THE FRENCH CIVIL SERVICE:
BUREAUCRACY IN TRANSITION**



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FRENCH CIVIL SERVICE:

BUREAUCRACY IN TRANSITION

BY

WALTER RICE SHARP

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PREFACE

To the effective development of a genuine science of *comparative* public administration objective analyses of the behavior of national administrative systems differing sharply in structure and background are an indispensable prerequisite. The present study is intended as a segmentary contribution to a series of such analyses. While the study is focused principally upon the problem of personnel management in the French public service, I have approached the task with the conviction that the legal and technical phases of the problem, particularly in an old, traditionalistic bureaucracy such as governs the French Republic, can be understood only in the light of their larger sociological and psychological setting. Public administration everywhere is administered by *human* administrators for *human* citizens and taxpayers. This fact is lost sight of in some of the otherwise excellent treatises on administration which are apparently predicated on the classic half-truth that constitutional democracies are "governments of laws, not men."

In attempting, therefore, to unravel the baffling intricacies of French public personnel practices, I have deliberately devoted as much space to questions of personality and temperament, to the ramifications of bloc politics and syndicalism in the civil service, to the influence of *camaraderie à la française*, and to the socio-economic foundations of government employment, as to the more formal aspects of recruitment, training, classification, compensation, promotion, transfer, tenure, and discipline. As the dominant behavior pattern in all French group life, bureaucracy but reflects in government, in bolder relief perhaps, tendencies, admirable and otherwise, which

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permeate education, commerce, industry, labor organization, the church, and in some degree, even the private professions. In each of these domains, more or less, the functional status of personnel is hierarchically regulated.

Nowadays—at any rate since the upheaval of 1914-1919—bureaucracy in France, governmental as well as unofficial, is obviously in transition: a transition from the nineteenth century *milieu* of individualized production by artisans, craftsmen, clerks, and small-scale managerial officials guided by rule-of-thumb methods, to a more “rationalized,” specialized twentieth-century technique of management. As yet, it goes without saying, this change has been felt chiefly in the realm of large-scale private industry; but its effects, spasmodically at least, are beginning to have their impact upon governmental processes. Whether France will travel as far along the road of industrialization as its Teutonic and Anglo-Saxon neighbors is doubtful, but the controversy now going on between the exponents of the older ways and the advocates of the newer order of things is having its repercussions in the operation of the public services, especially those handling economic and social functions. In short, this is my justification for the subtitle given to the present volume.

The materials upon which the book is based are diverse in character. In addition to an extensive examination of available printed books, brochures, articles, newspapers, scientific journals, and syndicalist periodicals, I have drawn heavily upon published government documents, especially upon departmental yearbooks and reports. My personal observations *sur place* began ten years ago when, as an American Field Service Fellow (1920-22), I studied at the Universities of Strasbourg, Paris, and Bordeaux. More intensively and systematically, by questionnaire and personal interview, I was able to obtain from government personnel bureaus and other sources a great deal of special information during a sojourn of several months in France in 1927 as a Fellow of the Social Science Research Council of New York. Over a hundred civil

servants of all grades, judges, journalists, professors, and labor leaders were then kind enough to give me generously of their time and attention, as I plied them with queries, many of which must have seemed somewhat puzzling, if not naïve.

Unfortunately, with a view to statistical analysis, many of the official data, published as well as unpublished, which I was successful in tracking down, proved disappointing. Working in France, the social investigator soon discovers that officialdom has not as yet been greatly impressed by the value of keeping accurate, comparable statistics on personnel practices, let alone publishing them promptly in usable, systematic form. Not only are there serious gaps in the quantitative information which is available on the civil service, but one finds in many government offices a disconcerting reluctance to divulge facts which the files doubtless contain. This attitude of secrecy is apparently a vestige of the aristocratic inheritance from monarchical and imperial régimes, when official posts were in the main the private patrimonies of the occupants.

What is more, budgetary retrenchments since the World War have led not only to excessive delay in the appearance of departmental reports, yearbooks, and the like, but even to the suspension of the publication of many documents which, prior to 1914, used to appear regularly. This backward state of French public reporting is in large measure responsible for forcing me to forego certain statistical comparisons and analyses which I had originally contemplated undertaking.

The fact that some of the figures and portions of the quantitative data date from 1927-28, and that later figures have been unavailable, does not invalidate the conclusions reached by the study. By recourse to subsequently published official documents and correspondence on certain peculiarly knotty questions, I have endeavored to keep abreast of the more important changes which have taken place since 1928. Administrative processes in a country like France are not appreciably altered in a year or two. For purposes of scientific evaluation,

le monde fonctionnairiste français of 1931 remains essentially what it was three years ago, with the single exception that the crisis precipitated by the acute maladjustment of salaries and cost of living, which was then still at its height, has by now partially subsided.

Space prevents the enumeration individually of all those, in France, England, or America, in official position or otherwise, to whom I am in heavy debt for *entrée* to materials, special information, insights, counsel, or suggestion. It would be invidious to mention certain names while omitting others. In many instances I have made special acknowledgment by footnote. To all others who have aided me in any way I desire here to express my grateful appreciation. To the Social Science Research Council I owe a double debt of gratitude: first, for the opportunity to carry on investigations in France as a Research Fellow of the Council, and secondly, for time made free from official duties as a member of the Council's staff (since 1929) so that I might complete the preparation of the manuscript of this study.

No one more than the author realizes its shortcomings, for which he alone assumes full responsibility.. What I have been impelled to say in criticism of French administrative mores has been said, I trust, in a spirit of sympathetic understanding. Valid criticism of much of our American administrative behavior would similarly be in order from a French investigator.

WALTER R. SHARP

NEW YORK CITY,
June, 1931.

TABLE OF CONTENTS

CHAPTER	PAGE
I. THE SETTING OF THE PROBLEM	1
A. The Imperial Heritage	3
B. The Impact of <i>Étatisme</i>	7
C. Quantitative Growth of the Civil Service	13
D. The Expansion of the State's Payroll	21
E. Current Orientation of the Problem	24
II. CENTRALIZATION MINUS INTEGRATION	27
A. The Régime of "Decrees"	27
B. An Un-coördinated Administrative Structure	32
C. The Internal Departmental Hierarchy	38
D. The Personnel Agency	42
III. TOWARD A GENERAL CIVIL SERVICE CODE	50
A. Syndicalism versus Authoritarianism	50
B. Personnel Regulation by Special Statutes	57
C. The Piece-meal Development of a General Code by Decree	61
D. The Rôle of the Council of State in Evolving a Legal Sanction	68
IV. THE BACKGROUND OF RECRUITMENT	75
A. The Passing of Patronage	75
B. The Changing Area of Selection	84
C. Undermining the Sex Barrier	91
D. Preference to War Veterans and Their Widows	97
E. Educational Preparation	101
F. Correlation of Educational System and State Recruitment	115

CHAPTER	PAGE
V. THE PROCEDURE OF EXAMINATION AND APPOINTMENT	121
A. Date and Place of the <i>Concours</i>	123
B. The Examining Board	127
C. Fixing the List of Eligible Applicants	130
D. The Examination Setting	131
E. Fixing the List of Applicants Admissible to Final Tests	132
F. The Final Rating of Testees	133
G. Preparation of the Employment List	137
H. Appointment and Assignment	138
VI. INITIAL SELECTION OF PERSONNEL	140
A. Responsible Administrative-Executive Positions	143
B. Minor Executive-Clerical Positions	154
C. Manipulative-Mechanical-Custodial Workers	160
VII. THE RECRUITMENT OF EXPERTISE: PROFESSIONAL AND SCIENTIFIC	171
A. Public School Teachers and University Staffs	172
B. The Judiciary	180
C. Engineers and Technicians	186
D. Other Technical and Scientific Specialists	190
VIII. CLASSIFICATION AND COMPENSATION	195
A. Pre-War Anomalies and Inequalities	195
B. Recent Efforts to Secure Salary Standardization	200
C. Supplementary Allowances and Perquisites	208
D. Hours, Leaves of Absence, and Working Conditions	214
E. Disability and Retirement Pensions	217
F. The French State as Paymaster	227
G. Conclusions	238
LX. THE MOVEMENT OF PERSONNEL: PROMOTION, TRANSFER, TURNOVER	243
A. Background of the French Approach to the Problem	246
B. The Mechanism of Promotion Procedure	250

TABLE OF CONTENTS

xi

CHAPTER	PAGE
C. The Evaluation of Criteria for Promotion . . .	253
D. Continuation Training for Administrative Staffs . . .	259
E. Assignment and Transfer	265
F. Tenure and Turnover	272
X. EMPLOYEE BEHAVIOR AND ITS SANCTIONS . . .	283
A. Evolution of a Code of Disciplinary Procedure . . .	284
B. How the Code Operates	292
C. Civic Rights and Political Activity	295
D. The Strike as a Weapon of Staff Defense . . .	312
XI. DEPARTMENTAL STUDIES OF PERSONNEL MANAGEMENT	322
A. Ministry of Foreign Affairs	323
B. Ministry of Public Works	335
C. Ministry of Justice	340
XII. DEPARTMENTAL STUDIES OF PERSONNEL MANAGEMENT (<i>Continued</i>)	355
D. Ministry of Finance	355
E. The P. T. T.	373
F. Ministry of Public Instruction	392
XIII. A MUNICIPAL CIVIL SERVICE: BORDEAUX . . .	416
A. The Municipal Organization	417
B. The Personnel System	419
C. Morale and Efficiency	427
XIV. OFFICIAL BUREAUCRACY AND THE PUBLIC . . .	431
A. The Temper of the French Bureaucrat	432
B. Procedural Vices: <i>La Paperasserie</i>	446
C. The Public's Reaction to Bureaucratic Pathology . . .	453
XV. THE POTENTIALITIES OF ADMINISTRATIVE SYNDICALISM	460
A. The Struggle for the Right of Association	462
B. The Federal Structure of Staff Syndicalism	476
C. Organizational Processes and Leadership	484

CHAPTER	PAGE
D. Syndicalism as an Ameliorator of Employment Conditions	491
E. The Promotion of Administrative Reform . . .	494
F. Employee Syndicalism as a Socio-Political Force	500
G. Menace or Promise?	503
 XVI. THE RENOVATION OF BUREAUCRACY . . .	 509
A. Personnel Management Vitalized by Imagination	510
B. Stability and Integration in the Administration of Policy	530
C. Control by Advisory Functionalism	541
 APPENDICES	 563
 INDEX	 575

**THE FRENCH CIVIL SERVICE:
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CHAPTER I

THE SETTING OF THE PROBLEM

"The functionary is the curse of France, but who will be bold enough to apply the guillotine?"

—SISLEY HUDDLESTON, *France*, p. 587.

Nowadays it is commonplace to regard administration as the essential stuff of which the fabric of the modern State is woven. Yet, as Graham Wallas has reminded us, democracy does not interest itself so much in the processes of administration as in the broad results of governmental action. This attitude constitutes a very real difficulty when the specialist inside or outside public office seriously attempts to improve the technique of political administration. All pioneers in the effort somehow to evolve a "science" of public affairs have run into this indifference of the citizenry not only to the "anatomy," but to the "physiology" of public administrative systems. If popular inertia and apathy all too often block the path of students of public administration in a relatively new country like America, the situation is doubly exasperating in an old, traditionalist nation like France. A study of administrative practices in such a country becomes all the more instructive and fascinating: instructive because of the generations of experience that lie behind what one discovers, fascinating because the exploration of what is there is baffling in its complexity.

We are to embark upon an analysis of the civil service of the French Republic. If the importance of our study be granted, the method we shall follow requires some explana-

tion. It will be necessary, at the outset, for us to know the sociological setting of a political bureaucracy that has survived a half dozen revolutions and *coups d'état* during the the past hundred and fifty years. We shall need to outline clearly the organization by and through which this bureaucracy now operates. Its size and scope of activity must be assessed. Its hierarchically centralized structure must be revealed. Only after this foreground is delineated will we be ready to attempt an appraisal of the technical phases of public personnel administration as the French understand it. This appraisal properly begins with a consideration of the legal rules and regulations that govern the French administrative system. It should next proceed to a study of the personnel agency itself, which, in France, unlike that to which we are accustomed in America, is organized on a de-centralized basis. This done, our attention will be directed successively to a horizontal survey of methods of training, recruitment, classification, compensation, promotion, tenure, turnover, discipline, and civic status of the various categories of public employees. To illustrate the application of the foregoing methods and procedures, we shall examine intensively personnel practices as they have been evolved in specific administrative jurisdictions. Selected for their importance, as well as for their variation in size and function, the latter will include (1) the Ministry of Foreign Affairs, (2) the Ministry of Public Works, (3) the Judiciary, (4) the Ministry of Finance, (5) the Postal, Telegraph, and Telephone Services, (6) the Ministry of Public Instruction, and (7) the municipality of Bordeaux. The policies of certain other miscellaneous units will from time to time be referred to in order to clarify points of procedure peculiar to them.

Following this "anatomical" analysis, we shall endeavor to make an evaluation of French personnel administration in general by exploring how it has been influenced by the syndicalist movement, the volatile pattern of French parliamentarism, and the vices and temper of traditionalistic bureaucracy.

Our final and most strategic inquiry will concern itself with the possibilities of renovating the French administrative armature. How, in the light of French temperament and national traditions, can routineerism somehow be made to give way to initiative and creativeness? How, if at all, can a larger measure of efficiency be introduced? In short, are there signs in France of modernizing administration in the light of the implications of scientific personnel management? Out of this interesting exploration we shall hope will emerge certain lessons for other countries with analogous problems. Perhaps these lessons may furnish clues to the path we must take in building, albeit slowly and fitfully, a genuine "science"—or perhaps "art"?—of comparative public administration.

A. THE IMPERIAL HERITAGE

Like individuals, institutions find it difficult to escape the imprint of heredity. Republican France has inherited for administrative purposes what M. Herriot once aptly characterized as "an imperial mosaic." Despite the impact of democracy upon the formation of public policy, the system by which it is administered still remains essentially Napoleonic in structure; and Napoleon did but build upon the foundations of the *ancien régime* in which, as Mr. Laski has suggested, the government seemed to possess "many of the characteristics of the king's household."¹ The First Emperor erected upon these ancient foundations the kind of hierarchical system which would consolidate his control. Taine, better than anyone else, gives us the classic description of the Napoleonic system of administration:

"It forms one unique, vast, monumental block, in which all branches of the service are lodged under one roof; in addition to the national and general services belonging to the public power, we find others also, local and special, which do not belong to it, such as worship, education, charity, fine arts,

¹ *Authority in the Modern State* (New Haven, 1919), p. 323.

literature, departmental and communal interests, each installed in a distinct compartment. All the compartments are ordered and arranged alike, forming a circle around the magnificent central apartment, with which each is in communication by a bell; as soon as the bell rings and the sound spreads from division to sub-division, the entire service, from the chief clerk down to the lowest employee, is instantly in motion; in this respect, the arrangement as regards despatch, co-ordination, exactitude, and working facilities, is admirable."²

Here is picturesquely revealed that strong Latin fondness for symmetry and order which goes far to explain why attempts to decentralize political power have made comparatively so little headway since Napoleon's day. Under the Restoration as under the First Empire, it was always the central government that appointed and directed "all the representatives of local society in the department, in the commune, and in the intermediate circumscriptions, the prefect, sub-prefects, mayors and assistants, the councillors of the *département*, of the *arrondissement*, and the commune."³ Local communal life remained "under the second régime what it was under the first one, an extension of the central society, an appendix of the State, an adjunct of the great establishment of which the seat is Paris."

In such a scheme, says Taine again, "we behold the innumerable body of clerks, functionaries, supernumeraries, and postulants, a whole multitude, ranged tier beyond tier and attentive; nobody advances except upon order and in his turn. Nowhere in Europe are human lives so well regulated, within lines of demarcation so universal, so simple, and so satisfactory to the eye and to logic: the edifice in which Frenchmen are henceforth to move and act is regular from top to bottom in its entirety as well as in its details, outside as well as inside; its stories, one above the other, are adjusted with exact sym-

² H. A. Taine, *The Modern Régime* (Eng. trans. by John Durand, 2 vols. New York, 1890), Vol. I, p. 140.

³ *Ibid.*, Vol. I, pp. 314-315.

metry; its juxtaposed masses form pendants and counterpoise; all the lines and forms, every dimension and proportion, all its props and buttresses combine, through their mutual dependencies, to form a harmony and to maintain an equilibrium."⁴ Through the Restoration to the July Monarchy and the Second Republic this system remained fundamentally unchanged. The Third Napoleon governed with the heritage left him by his uncle. Nor did he in any appreciable fashion modify its hierarchical uniformity. To be sure, from the fall of Napoleon I to the passing of Napoleon III, French liberals and republicans were all adversaries of centralization; but they made little dent in the old imperialistic machine. "Dynasties, flags, and régimes passed away: the Bureaucracy neither died nor surrendered."⁵ The prefects of the first years of the Third Republic were, in fact, "the lineal descendants of the prefects of Napoleon."

While territorial decentralization has made some progress since 1870, the France of to-day still uses the same administrative areas that the Revolution and Napoleon gave her. They are, moreover, fitted into substantially the same hierarchical pyramid. True it is that the *départements* have since 1871 enjoyed limited autonomy, and the communes likewise since 1884; but *la tutelle administrative* seemed at the beginning of the present century almost as strong as it was a century earlier.⁶ M. Chardon could write as late as 1904: "We put R. F. [*République française*] on all official reports, but these reports are made for the emperor."⁷ Of the ensemble of administrative officials throughout France, only the mayors and the employees of municipal councils were chosen other than by the central government or its local representatives.⁸

⁴ Vol. I, p. 141.

⁵ A. Guérard, *Beyond Hatred* (New York, 1925), p. 26.

⁶ *La tutelle administrative* is the classic French phrase to denote central supervision over local administrative authorities.

⁷ H. Chardon, *Les Travaux Publics* (Paris, 1904), p. 357.

⁸ Cf. J. W. Garner, "Administrative Reform in France," *Amer. Pol. Sci. Rev.*, February, 1919, for a good discussion of the whole problem of decentralization as it appeared just after the war.

Most local legislation emanated from Paris with Parliament. Nearly all important acts performed by local authorities were subject to approval or annulment by prefect or minister. Mayors could be suspended by the Minister of the Interior and removed by the President of the Republic. Nor was any appreciable power of self-initiation allowed to the local elective councils. Regionalist agitation, which had attained serious proportions by the first decade of the 20th century, took so many different forms that practical agreement on none was the result; and it is questionable, for that matter, whether the sandwiching in of new and larger "general" administrative areas between the purely local and the central organs of government would give a desirable kind of decentralization.⁹

If the Government of contemporary France, then, as M. Barthélemy has remarked, "is the result of a simple superposition of parliamentary democracy upon the administrative régime of Napoleon," it is nevertheless true that this imperial heritage has given republican France a great administrative tradition.¹⁰ Throughout the 19th century her administration was the envy of the rest of the Continent. Notwithstanding a growing tendency to satirize the fonctionnaire as a *rond-de-cuir*, French literature has been replete with references to "the glory" of the public service. Indeed, down to a generation ago, public employment enjoyed a prestige equalled by perhaps no other profession or industry. Whether of aristocratic or bourgeois lineage, every family felt it must place at least one of its sons in the service of the State. No careers were more honorable than those of a military or naval officer, an ambassador, a prefect, a magistrate, a councillor of state, or a director or inspector in the central governmental departments. This attitude made for permanence in administrative staffing. A Talleyrand could serve equally well the Ancien Régime, the Revolution, Napoleon I, the Restoration, and Louis-Philippe.

⁹ As it affects personnel administration, regionalism will be considered later. Cf. Chap. XVI.

¹⁰ *Le Problème de la Compétence dans la Démocratie* (Paris, 1918), p. 222.

Men like Philippe Berthelot at the Foreign Office could constitute the indispensable cog by which the continuity of foreign policy through a dozen ministries was maintained. "The personnel that the July Monarchy had developed in the grand imperial tradition, temporarily driven out by the February Revolution [of 1848], re-entered the administrative services under the Prince-President; thus was perpetuated down to 1870, and even as late as 1890, by division and bureau chiefs, the tradition of an administration vigilant, honest, and conscientious of its duties toward the public, even if too much imbued with the notion of the sovereign rights of the State."¹¹

B. THE IMPACT OF ÉTATISME

Nonetheless, it was an unprogressive administration. Each ministry lived unto itself. There was hardly any collective thinking about the difficult problems of incentive or improved procedure. As the business of the State expanded, the wheels of administration turned more and more slowly. Reform projects gathered dust in sagging archives at Paris. Always formalistic to excess, office methods seemed to grow increasingly devious. Masses of detail choked the slow-moving hierarchical machinery, which, by its very nature, permitted few lateral "short cuts" in the handling of correspondence and reports. M. Chardon's masterful indictments of this *paperasserie* are filled with examples of its failure to meet the demands of an industrial age upon the agencies of government.¹² Complaints from an ordinarily indifferent public began to multiply and find utterance in the press and in the halls of Parliament.

After the Dreyfus case, another factor appeared to aggravate the situation. The poisons from the bitter contest between clericalism and republicanism permeated the ranks of public

¹¹ F. Masson, in *L'Echo de Paris*, 24 July, 1911, quoted in P. D'Hugues, *La Guerre des Fonctionnaires* (Paris, 1913), p. 213.

¹² Cf. notably his *Les Travaux Publics* (1904), *L'Administration de la France* (1908) and *Le Pouvoir Administratif* (1911).

administration. During the 19th century republican and radical deputies were wont to use political "recommendations" as a means of protecting their constituents against the bureaucratic abuses of "reactionary" officials. Now, with the conflict between Church and Republic at white heat, the former proceeded to resort to similar tactics against the growing "republican" administrative machine. Retaliation followed. Emis-saries from each side literally "spied" upon civil servants and military officers in frantic efforts to "get something" on them. These were the days of the secret "*fiches*," when teachers were dismissed for attendance at mass, when ministers in power openly declared that "political" attitudes should be taken into account in appointments and promotions. The virus of partisanship infected the whole process of administration—even to the new social and economic services that had come into being during the last decade of the 19th and the first years of the 20th centuries.

In retrospect, it is exceedingly difficult to measure the extent to which favoritism and *arbitraire* were actually practiced by high permanent officials. After reading a mass of conflicting accounts, one senses that the actual abuses were not so far-reaching as the apostles of administrative syndicalism would have us believe.¹³ Nevertheless, they were bad enough to generate a profound *malaise* among civil servants of middle and lower grade. It is true to say that the movement for professional organization among these hundreds of thousands of state employees—a movement that started with the elementary school teachers and postmen—had as its chief cause the

¹³ According to one official report, the Under Secretary of the P.T.T. alone received 100,000 letters in a single year from politicians and other influential personages recommending people for appointment, promotion, or transfer. Cf. L. Salaün, *Il Faut Organiser l'Avancement* (Paris, 1912), p. 18. M. Barthou, as minister, ordered printed a form reply to his *bons amis* recommending candidates for competitive examinations, to the effect that the latter were regular, honest, and impartial and that recommendations were futile. But the letters continued to flow in. M. Millerand, receiving 150 or so a day, decided not to reply at all. Cf. C. Georgin, *L'Avancement dans les Fonctions publiques* (Paris, 1911), p. 260.

bitter discontent that followed in the wake of Dreyfusism. It was, however, not only against political and clerical interference that the fonctionnaires revolted, but against a nepotism and a *camaraderie* attaining greater proportions than ever before in a country where they are always more or less *comme il faut*.¹⁴ The institution of the *cabinet du ministre*, into which were placed the minister's personal friends, facilitated favoritism, since all *dossiers* and letters of recommendations must pass through its hands. Small wonder that the demoralized rank and file, without "pull," were lured toward syndicalism as a possible, even if dubious, way out.¹⁵

By the eve of the war, almost two-thirds of the employees of public authorities in France, central and local, had formed professional associations under the law of 1901. At the start, these organizations were somewhat like "craft" unions, but as they began to federate across functional lines, they became something approaching "industrial" unions.¹⁶ Reliable French historians are agreed that the vast majority of their members had no revolutionary aims. Bourgeois as most of them then were, they simply utilized M. Georges Sorel's alluring doctrines as a convenient vehicle of agitation for guarantees against favoritism and intrigue. To be sure, the militants among the fonctionnaires sought support from the workers of the industrial world. But the rank and file remained conservative in their outlook. Even the postal strikes of 1909 are no proof of any widespread proneness to resort to violence.¹⁷

¹⁴ For a clever interpretation of the amazing ramifications of these two forces in French public affairs, see Robert de Jouvenel's *La République des Camarades* (Paris, 1911). Cf. also H. Leyret's *La République et les Politiciens* (Paris, 1907) and *La Tyrannie des Politiciens* (Paris, 1908).

¹⁵ Administrative syndicalism will be interpreted *in extenso* in Chap. XV. Here all I wish to do is fit its origins into the general setting.

¹⁶ By 1911 the *Fédération des Fonctionnaires* alone contained 164,000 members. Nearly 1,000 different associations had been recognized; and, in all, there must have been over 600,000 fonctionnaires in the associationist movement.

¹⁷ A. Lefas, *L'Etat et ses Fonctionnaires*, pp. 179-196, presents a clear account of the postal as well as other pre-war attempts of State employees to strike.

They constituted rather a momentary outbreak against an "insupportable" under-secretary whose mal-administration drove the postal workers to a kind of concerted action they would have preferred not to take.

The reality was that the dawn of what the French call *étatisme* was converting public administration into an increasingly technical problem. The traditional type of hierarchical bureaucracy could manage passably well in the days when the functions of the French State were confined to diplomacy, defense, police, justice, and tax collection. In 1791, there were only six central administrative departments: justice, finance, war, navy, foreign affairs, and interior.¹⁸ Then, and for forty years thereafter, the State, except for the carrying of the mails, hardly touched economic or social activities. But the next century and a quarter wrought a vast change. The top-heavy Ministry of the Interior, which had grown by accretion, had to be relieved of miscellaneous "economic" services that had been from time to time attached to it.¹⁹ After forty years of shuffling of services back and forth, an independent Ministry of Public Works was definitely established in 1869. Thanks to Gambetta's persistent efforts, a Ministry of Agriculture appeared in 1881. Clemenceau established a Ministry of Labor seventeen years later. Meanwhile, the State telegraph monopoly, dating from the time of Louis Philippe, had been fused (1878) with the postal administration. Concessions granted in 1879 to private companies to operate a telephone service were repurchased by the government in 1889, and the "P. and T." became the "P. T. T." Likewise, the 19th century witnessed a steady extension of state-controlled popular education—a movement culminating in the formation of a Ministry of Public Instruction and Fine Arts. And the State, though in most laggardly fashion, finally began to turn its attention

¹⁸ Established by the law of 22 April, 1791.

¹⁹ In this respect, the history of the French Ministry of the Interior reminds one of the way in which the United States Department of the Interior became the "dumping ground" for sundry economic and social bureaus.

to public hygiene and social insurance, for the administration of which additional agencies had to be provided.²⁰

In short, by the dawn of the present century, the domain of public administration in France had become far-reaching. Its activities were multifarious: it was building highways, bridges, and canals; it was operating one railway system and closely regulating the operation of all the others; it had a monopoly on the manufacture of matches and tobacco; it was administering accident compensation and old age pension acts; it was running theatres, opera houses, and museums and making famous tapestries and porcelain; it was gathering statistical and other scientific data of all kinds. Conservative deputies and senators and *Le Temps* might continue to rant against the insidious menace of *étatisme* to individual enterprise, but as elsewhere in western Europe, State intervention in France grew apace under liberal republican rule.

The World War and its aftermath carried this tendency forward by leaps and bounds. Of necessity freedom of private economic activity during the period of hostilities almost completely disappeared. "The Government fixed prices, distributed provisions, requisitioned products. In the few instances where trade remained free in principle, it was in fact regulated by State control over transportation. To ship freight by railway, one had to obtain from the State a 'priority permit.'" ²¹ By rigid import and export controls, the Government became master over production, for it alone could dispose of raw materials. Land was forced into cultivation whether the owner willed it or not. In the labor world, likewise, strikes were effectively prevented by threat of recalling to the front the mobilized workers. In fact, the march of State regulation

²⁰ For a detailed discussion of the economic and social functions of French administration, cf. H. Berthélemy, *Traité Élémentaire de Droit Administratif* (Paris, 11th ed., 1926), pp. 755-1015.

²¹ Cf. P. Renouvin, *Les Formes du Gouvernement de Guerre* (Paris 1925), pp. 51-92, for an excellent account of war time State regulation in France; also P. Pinot, *Le Contrôle du Ravitaillement de la Population Civile* (Paris, 1926).

stopped just short of a general conscription of capital and mobilization of civilians.

Naturally, all this involved not only an expansion of existing governmental services, but the creation of many new agencies. Four new ministries were established: (1) Munitions—December, 1916 to November, 1918; (2) Food—July, 1915 to January, 1920; (3) Industrial Reconstruction—November, 1918 to January, 1920; (4) Liberated Regions—November, 1917 to April, 1925. More than a score of under-secretaries to handle war-time activities were attached to existing ministerial departments.²² In addition to these executive agencies, the Government established by decree literally hundreds of committees, commissions, and semi-detached "offices." "These were composed ordinarily of civil servants along with representatives of economic interests—commercial, industrial, and agricultural—in variable proportions."²³ At the Armistice, almost 300 of these agencies existed, at least on paper, more than eighty of them being attached to the overgrown Ministry of War. While the exact rôle they played in prosecuting the war and demobilizing troops after it ended is difficult to appraise, it goes without saying that they gave the civil service a more swollen and multifarious façade than ever. Still more significant, it took on a technical aspect which the problems of post-war reconstruction only helped to intensify.

Many of the administrative creations of the war period were retained, in slightly modified forms, as peace-time governmental agencies. Among such examples may be cited the National Foreign Commerce Office and the Under-Secretariat for Aeronautics, the latter being transformed in 1928 into a full-fledged Ministry for Air.²⁴ The immensity of administering military pensions gave rise to the establishment of a Ministry

²² Cf. Renouvin, *ibid.*, pp. 149-151, for a complete list of ministries and under-secretariats operating during war time. Two of the ministerial departments listed here were under-secretariats attached to older departments for part of the period.

²³ *Ibid.*, p. 56.

²⁴ By decrees dated 14 September and 2 October, 1928. See A. Guillois, "Organization Ministérielle," *Revue du droit public*, Jan.-March, 1929.

of Pensions which is likely to have an indefinite existence. Most of the older administrative departments require a far more elaborate organization and technical staff to-day than before the war. New forms and higher rates of taxation are straining the administrative capacity of the Treasury. Similarly, the telegraph and telephone administration, in its uphill effort to keep abreast of the rapid technical advances in the electrical field, is finding it necessary to employ, if it can find them, increasing numbers of electrical engineers and telephonic experts. And the Ministry of Public Works is demanding a larger and more highly trained technical staff to handle its far-reaching national program of hydro-electric development and the improvement of maritime port facilities, highways, and canals. In connection with this ambitious plan of governmental assistance in the economic development of France, there is even a National Tourist Office, operated to stimulate what is now one of the most lucrative of French industries.

It is this rapid development of *étatisme*, in all its multifarious forms, that has so intensified the importance of the public personnel problem. With the wisdom or the foolishness of certain phases of French *étatisme* we are not here concerned. We have sketched its major ramifications merely to suggest how it magnifies and complicates the administrative aspect of government among a people rather less well endowed than the Anglo-Saxons or the Germans with the facility for large-scale technical organization.

C. QUANTITATIVE GROWTH OF THE CIVIL SERVICE

In order to make the setting for our later study still more objective, let us now turn to the quantitative expansion of the civil service in terms both of numbers and of costs. Here it should at once be emphasized that satisfactory data showing growth over periods of time are virtually unobtainable. This is one of the unfortunate consequences of the lack of any

central civil service commission, or similar agency, to collect, standardize, and interpret figures on the size of the governmental staffs. Moreover, the available figures are not only fragmentary, but filled with bewildering confusions in designating the position and category of state employees. Try as he might, the present writer was unable to find any accurate estimates of the total number of persons employed by local authorities (*départements*, *arrondissements*, and *communes*). The head of the French Statistical Office frankly admits that statistics on the total number of governmental employees in France have never been assembled.²⁵

There is another special difficulty. What categories of employees should be included in making up our totals? In France one finds thousands of "demi-fonctionnaires,"—persons who either perform functions quasi-public in character without being on any public pay roll, or are only part-time employees of some public authority. "Thus all *notaires*, *avoués*, *avocats*, all their assistants, all doctors, pharmacists, veterinaries and their assistants; everyone in and around a prefecture; all *maires* and their assistants; all tobacco-merchants and their families; all road menders whilst engaged in mending roads, may be so regarded if one wishes, in addition to the immense body of civil servants, naval and military officers, managers, actors, actresses, box-openers, and scene-shifters of the state theatres. . . . There is no end of it."²⁶ Even though it may be suggested for literary effect that the "bureaucratic world" in France embraces all these elements, aggregating perhaps a fourth to a third of the entire population, such a classification is for scientific purposes obviously too broad. Narrowing it down, where shall we stop? Should State employees who, like the tobacco shopkeepers, rural tax collectors, and village mayors, have other occupations, be included? What of "tem-

²⁵ Interview with M. Huber, 16 June 1927. He further explained, with a shrug of the shoulders, that such a statistical study had been requested, but that his office had never had the time or personnel with which to do it.

²⁶ Ford Madox Ford, *A Mirror to France* (New York, 1926), p. 138.

porary" and "auxiliary" employees? How should we consider the large groups of industrial laborers in the State match and tobacco factories and on the State railway system? And what of public school teachers?

Even legally, the term *fonctionnaire* is difficult to define. According to one eminent French jurist, it is applicable only to those employees of the central government who (1) have received a commission from a public appointing authority and (2) belong to a cadre of *permanent* employees, all of which involves a fixed monthly salary and the right to a retirement pension.²⁷ This definition would exclude the *personnel ouvrier et temporaire* of the central government and all the employees of local authorities. But since these categories give rise to distinct problems in personnel administration, it would seem they ought to be included in the tables indicating quantitative growth of the civil service. We shall follow that rule, and wherever other groups of *semi-* or *temporary* governmental employees are also included, these will, if possible, be segregated.

A century ago (1836) Balzac estimated in *Les Employés* that there were only about 40,000 fonctionnaires in France.²⁸ While this figure covers only permanent officials attached to the central government departments, it would not have been very much larger if local officials and laborers had been included, for in those days municipal and State industrial activities were negligible. Then the population of the country was roughly one-fourth what it is to-day. The reliability of Balzac's estimate, however, is open to question. In a careful statistical study made by the Director of the French Statistical Office in 1913, one finds the following tabulation of central government personnel (based upon data contained in *projets de budget*):²⁹

²⁷ M. Hauriou, *Précis de Droit Administratif* (Paris, 1927), p. 589.

²⁸ P. 275. The French form *fonctionnaire* is deliberately employed throughout the present study rather than the English functionary because of the former's somewhat broader connotation.

²⁹ L. March, "Contribution à la Statistique des Fonctionnaires," *Bulletin de la Statistique générale*, October, 1913.

SERVICE	1839	1871	1911
Justice	13,800	14,600	14,200
Interior	450	1,350	1,050
Foreign Affairs	350	500	700
Finance	42,000	40,200	40,200
War (central staffs only).....	500	550	600
Navy and Colonies (officers, but not laborers included).....	5,700	8,300	9,400
Public Works, Commerce, Agri- culture, Labor	5,500	9,700	14,200
Post, Telegraph, and Telephone	23,200	34,300	90,900
Education	40,000	110,000	180,000
Totals (in round numbers).	130,000	220,000	350,000

These figures apparently exclude temporary and part-time employees, as well as industrial laborers. They indicate for 1839, only three years after Balzac wrote, a central civil service three times as large as he estimated it. During the Second Empire it must have approximated 200,000.³⁰ The principal increases in personnel through this period of seventy years were mainly due to the creation of new services, especially telegraphic, telephonic, and educational. In fact, the older "political" ministries, like Finance and Justice, show little variation in size.

By taking the government census of occupations as the basis for comparison, M. March arrived at the totals for the ensemble of governmental units (central, *départements*, communes) given in the first table on page 17.³¹ During this period of forty years, while the population of France was increasing only 11 per cent, the number of persons in government employment expanded at least 80 per cent.

Statistics on public personnel since 1906 are more reliable and less confusing than for earlier periods. The Finance Act of 1905 contained an article requiring the Government there-

³⁰ This is the estimate of Faure, in the *Rev. pol. et parl.*, Vol. 64, p. 322, as quoted in Berthélemy, *op. cit.*, p. 43, note 2.

³¹ Compiled, with re-arrangement and interpretation, from the study referred to above.

GROUPS	1866	1906	% INCREASE
Public education	65,398	149,470	129
Magistrature	10,693	13,635	128
Post, Telegraph, Telephone	212,196	95,495	73
Other units (not industrial)		270,617	
Police	36,084	19,753	Data not comparable
State Railway	Non-existent	17,800	
State industries, etc.....	35,019	77,293	120
Totals (in round numbers)	359,000	644,000	80

after to furnish with the annual budget report a detailed tabulation, by administrative services, of all public employees. The Government, however, was content to give aggregate totals only.³² For 1912, according to M. Lefas, these totals showed the situation to be as follows:

Employees of the central government (including military and naval career men)	665,023
Employees of <i>départements</i> , communes, colonies, and other public establishments	330,226
Grand total	995,249

If 67,967 State railway employees were added, the total would reach 1,060,000. But from it should be subtracted nearly 200,000 who were not strictly speaking fonctionnaires, but career men in the War and Navy departments. If one added 237,000 retired fonctionnaires receiving pensions from the State, the total would again rise above a million.³³ Roughly, then, we know that at least one inhabitant out of forty was either an active or retired civil servant in the years immediately preceding the war.

By combining information supplied by two recent budget reports (1922 and 1928) it is possible to indicate the great quantitative war-time expansion and slight post-war con-

³² Cf. A. Lefas, *op. cit.*, p. 26.

³³ *Ibid.*, pp. 26-42.

traction of the central civil service, by three main classes, as follows: ⁸⁴

CLASSES OF EMPLOYEES *	1914	1921	1927
"Titular" fonctionnaires	351,961	402,279	400,156
Auxiliary and temporary employees	18,553	70,239	52,162
Laborers	94,943	146,465	94,830
Totals	465,457	618,983	547,148

* Note. These figures do not include military or naval career men or employees of the State or Alsace-Lorraine Railways.

If 1914 be taken as a base (100), the trend by classes over the whole period may be seen at a glance:

CLASSES OF EMPLOYEES	1914	1921	1927
Fonctionnaires	100	115	114
Auxiliary employees	100	389	289
Laborers	100	155	100
Totals	100	133	118

The war, then, expanded the size of government staffs by one-third, but the major part of the increase is accounted for by the addition of temporary employees (largely women clerks), and laborers. Since 1921, a gradual shrinkage has taken place, so that the aggregate by 1927 was only 18 per cent greater than before the war. If one excluded officials of the central government stationed in the recovered provinces of Alsace-Lorraine, the net increase would be only 8 per cent.

Although no accurate statistics exist on the size of local government staffs since the war, they are probably but slightly larger than in 1912. If we estimate them at, say, 350,000, the grand total for all public authorities except the railway and

⁸⁴ M. Bokanowski, *Rapport sur le budget général de l'exercice 1922, Chambre des Députés*, No-3161, Tome 1, and M. Chéron, *Rapport sur le budget général de l'exercice 1928, Sénat, Annexe*, 13 December 1927, Tome I.

military establishments would approximate 900,000 persons, or something over 2 per cent of the entire population. Stated differently, at least one out of every twenty families in France to-day must contain one or more civil servants.³⁵

The distribution of central government personnel by administrative units, in the order of their numerical importance, is

ADMINISTRATIVE UNIT (Department, division, or office)	FONCTION- NAIRES	AUXILIARY AND TEMPORARY EMPLOYEES	LABORERS	TOTAL
Public instruction.	144,087	2,639	37	146,763
P. T. T.	110,740	24,622	10,135	145,397
Finance	61,807	12,151	18,461	92,419
War	6,457	230	50,000	56,687
Navy	3,255	695	26,704	30,654
Public Works	17,815	322	10	18,147
Liberated Regions.	86	10,002	968	11,056
Agriculture	9,515	425	89	10,029
Pensions	98	8,453	429	8,980
Judiciary	6,031	36	...	6,067
Penitentiaries	4,267	3	65	4,355
Technical instruc- tion	1,893	383	278	2,553
Fine Arts	1,710	429	58	2,197
Labor and Hygiene	1,550	511	7	2,068
Interior	1,954	95	16	2,065
Printing establish- ment	166	...	1,521	1,687
Foreign Affairs ...	1,120	505	6	1,631
Aeronautics	426	651	426	1,503
Merchant marine..	1,034	229	3	1,266
Colonies	983	10	7	1,000
Commerce	615	193	8	816
Smaller units	772	245	413	1,430
Totals	376,381	62,728	109,641	548,750

³⁵ So thought M. Cahen-Salvador, *La Vie Publique dans la France contemporaine* (Paris, 1925), p. 50; but he was not counting the staffs employed by local authorities. The total number of French railway employees, including all lines, was in 1926 about 460,000, or one-half as many as civil servants. Cf. Berthélemy, *op. cit.*, p. 770. Of this number around 125,000 were employed on the State and the Alsace-Lorraine Railways.

significant for our later analysis of personnel policies.³⁶ In 1927, the distribution was as indicated in the table on page 19.

It would be interesting, also, to know how this whole personnel, in a highly centralized governmental system like the French, was geographically distributed. But so far as could be learned, there are no complete reports containing this information. It is possible, however, to estimate the size of the headquarters staffs (called by French officialdom *les administrations centrales*), of the departments of the central government. Taking into account "fonctionnaires" only, one might hazard the following ratio of headquarters staffs to field services:³⁸

SERVICES	1913		1927	
	Number	Per Cent	Number	Per Cent
Headquarters staffs	5,000	1.4	8,000	2.0
Field services	345,000	98.6	392,000	98.0
Totals	350,000	100.0	400,000	100.0

The apparent smallness of the central offices is not surprising when one remembers that the actual number of central government officials stationed in the city of Paris is many times larger than the above figures. Although the P. T. T. and the Ministry of Public Instruction employ probably 25,000 or more persons in the capital itself, they are technically mem-

³⁶ Cf., for a summarized discussion of the size of the American public service, the writer's article on "*Le Développement de la Bureaucratie aux Etats-Unis*," *Revue des Sciences Politiques* (Paris), July-December, 1927.

³⁷ From data supplied by the Paris office of the *Fédération des Fonctionnaires*.

³⁸ As will be explained in succeeding chapters, the *administrations centrales* consist, for the most part, of a small corps of directing officials, assisted by a body of clerks, accounting officers, stenographers, and office "funkies." In some ministries, a limited number of technicians are attached to headquarters for investigational and inspectional purposes. In the Ministries of Finance and Public Instruction the central staffs are organized as several distinct units, each with its own personal officer and hierarchy and living much unto itself, sometimes in a different building many blocks away.

bers of "field establishments." It is, of course, the pyramidal arrangement of French administrative organization that largely explains why headquarters staffs are relatively so small; they constitute merely the controlling apex of the hierarchy.

D. THE EXPANSION OF THE STATE'S PAY ROLL

Whether he be French or not, the taxpayer is usually interested more in the size of the government pay roll than in the number of names appearing on it. Thus aggregate and per capita personnel costs, if obtainable, would help to objectify the orientation of our general problem of French public personnel administration. Unfortunately, statistics on personnel costs are little more satisfactory than those on numbers of employees.

Although the Finance Act of 1910 directed the Government to publish every five years "for all the fonctionnaires, employees, and laborers of the State paid by the month, as well as for military and naval officers, salary rates and scales," this provision has been only indifferently and irregularly adhered to by the administrative authorities.³⁹ M. Lefas roughly calculated that between a fourth and a third of the aggregate of governmental budgets, central and local, went in 1912 for salaries and pensions.⁴⁰ Since aggregate public expenditures then amounted to about 5,000,000,000 francs, that would mean an aggregate pay roll of between 1,250,000,000 and 1,600,000,000 francs. The average salary for civil servants was approximately 2,100 francs.

For central government personnel, we are able to present a more accurate comparison of pre-war and post-war pay rolls. Using data from the two budget reports for 1922 and 1928, to which reference was previously made, we arrive at the following approximations:⁴¹

³⁹ Cf. Lefas, *op. cit.*, pp. 43-47. ⁴⁰ *Ibid.*, p. 49.

⁴¹ The calculations in columns (2), (3), and (4) are the writer's. Expenditures for personnel in a single large scale establishment like the P. T. T. run about 75 per cent. Cf. *Rapport des P. T. T.* (1927), p. 9.

YEAR	(1) AGGREGATE PAY ROLL (Salaries, bonuses, indemnities)	(2) % OF TOTAL EXPENDITURES	(3) AVERAGE PER CAPITA COMPENSATION	(4) INCREASE IN (3) (1914-base)
1914	1,359,000,000 frs. ...	29	2,100 frs.	100
1921	4,905,000,000 " ...	11	6,700 "	319
1927	7,997,000,000 " ...	22	11,500 "	540

The sharp decline in the portion of total governmental expenditures, attributed to personnel compensation, as we shall see later on in detail, may be accounted for by two factors—primarily by the vast expansion in the French public debt occasioned by war and reconstruction, and secondarily, by the failure of rates of pay for government employees to keep pace with the rising price level following upon inflation and adverse trade balances.

A more tangible picture of the current budgetary situation may be obtained by itemizing the objects for which each 100 francs reaching the French treasury in 1928 were expended. In his report to the Senate on the budget bill for that year, M. Cheron gives us these data in simplified form: ⁴²

OBJECTS OF EXPENDITURE	PERCENTAGE
Public debt: interest and principal.....	41.50
National defense	15.61
General governmental expenses (consolidation of several items)	10.92
Civil and military pensions	16.44
Civil and military personnel	16.44

Here we note that the relative importance of the pay roll for active staff is only 16 per cent, as against 22 for the previous year. This difference arises chiefly from the fact that in the 1928 computations funds earmarked for debt amortization (*caisse autonome d'amortissement* set up in 1926) are included. So far as the writer could discover, no figures are accessible which accurately separate *civil* from *military* per-

⁴² *Op. cit.*, p. 25. Outlays for materials and equipment by the P. T. T. are not included in this calculation. The addition of the several percentages here quoted, which equals 101.51, reveals a slight error—a not infrequent characteristic of French parliamentary documents.

sonnel expenditures, whether they be for salaries or for pensions. In the remuneration of active staff, civil personnel accounts for at least four-fifths of the total; in the outlay for pensions, the relative amounts are probably reversed. In a word, one may safely say that the remuneration of active and retired civil servants by the central government consumes nowadays from 15 to 20 per cent of the annual budget.

To arrive at the aggregate pay roll for all territorial units of government, the expenditures of *départements* and communes would have to be added. This information not being readily accessible, one can only speculate as to what the absolute total would be. So far as municipal budgets are concerned, the situation at Bordeaux, which I analyzed in detail, is probably typical of provincial cities. There the remuneration of personnel absorbed from 25 to 38 per cent of the total city expenditures, with a tendency to increase steadily since the war.⁴³ This percentage, considerably higher than what was found for the central government, suggests relatively how much larger the item of personnel bulks in local jurisdictions than in national. The explanation, of course, lies in the fact that local government budgets do not have to bear the burden of outlays for military purposes.

The trend in average remuneration for municipal personnel runs closely parallel with that for the staffs of the central government.⁴⁴ In neither case, however, have salary readjustments since the war kept abreast of rising living costs. Only by insistent concerted pressure has the mass of public employees brought the various budget-making authorities to a laggard realization of the critical plight into which the turbulent post-war years have thrust the French civil servant world.

⁴³ Cf. Chap. XIII.

⁴⁴ The city of Paris and the Prefecture of the Seine, I was reliably informed, pay a somewhat higher range of salaries than the national Government in order to attract a better quality of candidates. Paris is, of course, less burdened with debt obligations than the national State. The portion of its total budget allocated to pay roll often exceeds 50 per cent.

E. CURRENT ORIENTATION OF THE PROBLEM

These brief surveys of growth in complexity, size, and cost of public personnel will perhaps serve to set the stage for our study of personnel policy. It is evident how the impact of *étatisme*, plus the formidable difficulties left by the war, has complicated the problems of French public administration. The old bureaucratic heritage of monarchical, pre-industrial times no longer meets the needs and aspirations of the French nation. Yet, heavily burdened as they are, the taxpayers have all too often neglected the growing complaints of the staff associations. As the savings of the middle classes have melted away with the depreciation of the currency, they have, naturally, if not always wisely, clamoured loudly through their parliamentary representatives for public retrenchment and economy. This has put the Government in a nasty dilemma: on the one side it has faced the vociferous demands of the public for lower taxes; on the other, the claims of its own employees for a richly merited improvement in remuneration and working conditions. Most cabinets have been so unstable under the French parliamentary régime as to lack either the courage or the time, or both, to initiate and carry to completion any comprehensive program of administrative reform which might at once effect reductions in the size of the civil service, give it better pay, and improve its efficiency of operation.

France, of course, is no exception to the general tendency of modern democracies to feel that the work of the State can be done with fewer persons and less money. After liberally sampling in 1927 French public opinion on this point, through the press and by numerous interviews with journalists, professional men, educators, members of parliament, and public officials, the writer keenly felt the force of this attitude. If we had some feasible technique for comparing cost per unit of service for different national governments, one could be

more certain about the degree to which the French public's chronic complaints on this score are justified.⁴⁵ There is, to be sure, enough to cause complaint even from incurably conservative Frenchmen; for their national development in the future calls for innovation, not routineerism.

It cannot be doubted that the prestige value of French public employment has alarmingly declined since the war. One keen-minded observer with whom the writer talked put this decline at 60 per cent. Investigations *sur place* in 1927, re-inforced by newspaper comment and personal correspondence since then, lead one to believe that the worst phase of the crisis is over. Then desertions of state posts were growing at a wholesale rate. Every few days brought news of indignation meetings held by embittered fonctionnaires. The élite of French youth were, as M. Caudel so graphically expressed it, "colonizing on the boulevards" instead of turning toward those public careers that have traditionally commanded such high respect both from the *bourgeoisie* and *le peuple*. Living in the midst of this unrest, one sensed that in the new "industrialization" taking place in France service for the State was not holding its own. But with the franc stabilized and prospects for relieving that almost morbid French desire for national security growing more promising, and assuming that the country remains for some years in a comparatively prosperous condition, it should be possible to arrive at an equitable compensation policy for state employees. Until this is done, not only will the basic requisite for good morale be missing, but public employment cannot regain its former attractiveness for the young men and women of this generation.

Granted that this improvement can and will be effected, there remains a still more vital question: how may an ade-

⁴⁵ By assuming as constant the social utility and proficiency of service rendered. But many governmental activities cannot be compared in terms of their utility, for that would involve a qualitative appraisal of the economic and social needs of the nation. Even where this difficulty does not exist, we do not yet have a suitable common nomenclature in official reporting to make comparative measurements internationally.

quately qualified and remunerated personnel be utilized so as to give to the country an economical, efficient, and creative administration? How, in other words, is the public "bureaucracy" to diminish its vices and increase its virtues? Answers to this query cannot be attempted until an extended analysis of existing personnel practices is undertaken. In spite of all that has been suggested in this introductory chapter, the French have been building gradually through thirty years or more a legal sub-structure for what may ultimately become an admirable personnel system. Already one finds a kind of "piece-meal" personnel code which offers a suggestive point of departure toward modern personnel management, if there can be infused a sense of "great" administration. In any event, a clear understanding of French experience ought to serve as a useful sign post for the pioneers of administrative science in other countries.

CHAPTER II

CENTRALIZATION MINUS INTEGRATION

"Apoplexy at the center and paralysis at the extremities."

—LAMENNAIS.

A. THE RÉGIME OF "DECREES"

The French Constitution of 1875 is singularly lacking in provisions relating to administrative organization. Its makers were essentially concerned with setting up conservative safeguards for the public order in the hope that the makeshift Republic might gradually give way to a restoration of monarchy.¹ Only one of the several "organic laws" that make up the fragmentary Constitution under which the Third Republic has lived for fifty-five years deals exclusively with the executive; and this law is chiefly given over to prescribing the method of election and powers of the president. Among other duties, he was to "appoint to all civil and military positions"; he was to "have the initiative in law-making, concurrently with the members of the two Houses," and he was to promulgate and assure the execution of the laws.² A later article reads: "The ministers shall be collectively responsible to the Houses for the general policy of the government, and individually to the Houses for their personal acts."³ By indirection, the existence of a "council of ministers" is implied, but that is all.

The written Constitution, then, leaves the whole field of administrative organization to customary "constitutional" law

¹ Some French publicist has aptly described the Constitution of 1875 as above all else "a senate."

² Art. 3, Constitutional law of 25 February, 1875.

³ Art. 6.

and jurisprudence. The transition from Second Empire to Third Republic was merely a change from an hereditary to a republican form of State, without touching the vast body of administrative rules and regulations that then surrounded the governmental structure. It was generally assumed that the new parliamentary executive was to fall heir to that extensive ordinance power whose origins may be traced to the royal prerogative in the *ancien régime*. It is, in fact, this ordinance power, only as limited here and there by statutory enactment since 1875, that forms the legal basis for the organization and operation of the existing French administrative system. Every juridical act of the executive branch of the Government bears the legal designation of "decree" (*décret*). Broadly, these decrees are of two types: (1) individual, affecting an individual person, exemplified in the appointment or dismissal of a public officer, and (2) regulatory (*réglementaire*), containing a rule or order of general juridical application, as, for instance, income tax regulations, the highway code, or a set of rules governing the internal composition of an administrative department.⁴ All decrees must be signed by the President and countersigned by one or more ministers.

From the standpoint of the manner in which decrees are formulated, there are still other important distinctions. Occasionally a statute will require that the decree completing the details of its application must be deliberated "in the Council of Ministers," in which case the text of the decree bears specific mention of this procedure. A second and more significant procedural provision is that in which the opinion of the Council of State, sitting in "general assembly," is consulted by the executive authorities during the process of drafting the decree. Such decrees are officially designated as decrees of "public administration" (*réglements d'administration publique*).⁵

⁴ Ordinary ministerial orders, juridically subordinate to decrees, are called *arrêtés*; they do not bear the signature of the president of the Republic, but merely that of the appropriate minister.

⁵ M. Duguit, in his *Manuel de Droit constitutionnel* (4th., Paris, 1923), p. 527, gives a partial list, which includes, among others, the law

Without express invitation, the Government may also issue, on its own initiative, decrees regulating the application of a law. Although in such cases it is not necessary to consult the Council of State, this is usually done. In substance, these decrees are more narrowly circumscribed than those of "public administration." According to the jurisprudence of the Council of State, no penalty or tax can ever legally be imposed by them. Finally, it should be strongly emphasized that the exercise of this vast ordinance power is always subject to two controls: first, the operation of the principle of ministerial responsibility to Parliament; and second, judicial review for excess of power (*excès de pouvoir*) by the Council of State.⁶ By the force of these twin controls—especially the latter—executive discretion is effectively held within the confines of legality.

We now arrive at the last and most numerous class of decrees. These M. Duguit characterizes as "autonomous," meaning that they have a "spontaneous" origin without either direct or indirect connection with an act of Parliament. They do not juristically fit any theory of "legislative delegation." Rather they are a traditional by-product of the expansion of administrative power in the French State. Their range in subject-matter extends over virtually the entire field of administrative organization, personnel, and police regulations. Since these decrees may be modified, abrogated, or replaced by distinctly different decrees whenever the Government sees fit, the result has frequently been incoherence and discontinuity in administrative regulation. Incoming ministers have not hesitated to re-organize, often without rhyme or reason, the service of 1901 on professional associations, the law of 1905 separating Church and State, the law of 1910, setting up workers' pensions, and the law of 1914 establishing an income tax. Duguit's analysis of the ordinance power of the French executive is the most lucid and suggestive to be found anywhere in French constitutional law. Cf. his *Manuel*, cited above, pp. 519-543. In large part, I have followed his interpretation here.

⁶ Also, in a less important sense, by the "ordinary" judicial tribunals, if an "exception of illegality" is raised, as provided in article 471 of the penal code.

ices for which they were responsible; new bureaux have been set up, old ones abolished; and important functions shunted back and forth from ministry to ministry at will. Thus the postal and telegraph administration has been at one time a semi-independent under-secretariat or ministry, at another, a division of the Ministry of Public Works, and at still another, a part of the Ministry of Commerce and Industry. Under this régime of free governmental discretion, the number and functions of ministerial departments have tended to undergo considerable variation with nearly every "dance of portfolios" that accompanies the advent of a new cabinet.

Since 1882, however, Parliament has asserted a gradual but steadily increasing desire to curtail the freedom with which the executive can govern its own organization and composition. A law enacted in that year provided that henceforth the central organization of each ministry was to be regulated only by ordinances of public administration, which meant that since the opinion of the Council of State on the legal advisability of the change must be heard in every instance, undue haste and arbitrariness on the part of cabinet politicians would no longer have unlimited rein.⁷ Again, in 1900, Parliament intervened by prescribing that in future a statute would be necessary to increase the number of higher-grade posts in the central administrative services.⁸ Finally, after the World War, the legislative body put on even stronger statutory checks. By an act passed in 1920, it was prescribed that "the establishment of new ministries or under-secretariats, or new posts of secretaries-general or division chiefs in central administrative units, or the transfer of functions from one minis-

⁷ Art. 16 of the Finance Act of 20 December, 1882. Modifications by decree, however, still went on apace. From 1884 to 1909, during which period 300 ministers held office, there were no less than 178 changes by decree affecting the central organization of ministries alone. Cf. L. Brunschvicg, *Un Ministère de l'Éducation nationale* (Paris, 1922), pp. 46 ff.

⁸ Art. 35, of the law of 13 April, 1900. Salaries and conditions of recruitment, promotion, and discipline, however, could still be fixed by *décrets rendus en Conseil d'État*.

terial department to another, require formal statutory sanction."⁹

Notwithstanding that this provision clearly revealed Parliament's impatience with the way in which war-time governments had multiplied and modified administrative services at will, post-war cabinets have not infrequently disobeyed it. The creation of a Ministry for Air in 1928, for instance, may be regarded as a technical violation of the law of 1920, for the two decrees appointing the new minister and fixing the functions of his department were effective more than two months before they received retroactive statutory sanction. At the time, this incident gave rise to a spirited debate in the Chamber, during which the violation of the act of 1920 by the Poincaré Government was vigorously denounced. In reply, M. Poincaré challenged the constitutionality of the law by pointing out that Parliament had no right to limit in advance the presidential prerogative of appointment and dismissal; for, after all, he argued, the Chamber would always have the "last word" about the cabinet anyway, since it could turn the Government out any time it wished. Two of the most distinguished constitutional jurists in France—MM. Hauriou and Barthélemy—have likewise called the law of 1920 unconstitutional.¹⁰ In short, one may conclude that the success with which Parliament may exercise advance control over administrative organization tends to vary inversely with the "political" strength of the Government in power. In a period of economic crisis, like 1926, a "National Union" cabinet may even obtain from Parliament blanket authority to "legislate by decree" over a wide range of subjects.¹¹ At another time, when

⁹ Art. 8 of the law of 20 June, 1920.

¹⁰ For an interesting discussion of this whole question see A. Guillois, *op. cit.* in *Revue du Droit public*, Jan.-March, 1929; also his note in the issue of April-June, 1930.

¹¹ By art. 3 of the law of 3 August, 1926. Theoretically, this delegation of legislative power was limited to five months and all "decree-laws" proclaimed thereunder were to be laid before Parliament for ratification. But these limitations were not always adhered to. Cf. J. Devaux, *Le Régime des Décrets* (Paris, 1927) and R. Bonnard, "Les Décret-Lois du Ministère Poincaré," *Revue du Droit public*, April-June, 1927.

the party situation makes a government's tenure precarious, it may hesitate to take any important administrative step without sounding out the will of the legislature beforehand.

When one turns from legal considerations to practice, it should be emphasized that whatever be the form of an administrative ordinance, its content is ordinarily worked out by a special committee, or council, on which sit both departmental officials and members of the highest administrative tribunal. What is more, the Government, so I was personally assured by the Secretary-General of the Council of State, actually heeds the advice of the latter body forty-nine times out of fifty.¹² A young "auditor" on the Council of State may not infrequently leave the imprint of his mentality upon administrative and legislative policy at its very source. Later, in investigating attacks brought against administrative acts as *ultra vires* (*excès de pouvoir*), the impact of his influence upon the ultimate application of this same policy may be felt. As will become increasingly apparent as our study progresses, the French Council of State occupies in this fashion a doubly strategic position in the whole administrative process.

B. AN UN-COÖRDINATED ADMINISTRATIVE STRUCTURE

The scheme of administrative organization that has been produced under the "régime of decrees" may be described as a series of more or less independent departmental hierarchies tied together, only loosely at best, by the political cabinet and numerous semi-active and dormant inter-departmental committees. Territorially, the government of France is an example of advanced centralization; functionally, it is anything but that. An examination of the reasons for this lack

¹² Interview with M. Lamy, Secretary General of the Council of State, 12 April 1927. M. Lamy justified the practice of secrecy in regard to the administrative opinions of the Council of State by calling attention of the "delicate" and "personal" nature of the subject-matter of much of this policy-making.

of liaison is necessary before one can understand the position of departmental personnel officers in the system.

First of all, the cabinet itself does not serve as an effective liaison instrument. Its life is ordinarily too short. Its members are dominated to a greater degree, perhaps, than those of the American or the British cabinet by partisan and personal interests. In the earlier years of his long public career, M. Poincaré once testified how cabinet meetings tend to fritter time away on political trivialities. His satirical account seems worth repeating here:¹³

"Important business will be dealt with to-morrow, but this morning there are so many little things to settle! A certain deputy, displeased over the appointment of a *receveur ruraliste*, is to interpellate in the afternoon; it is necessary to foresee what incidents may take place during the course of the debate and what 'orders of the day' may be presented. Another deputy demands for his protégé a judgeship which a senator solicits for another candidate. Grave conflict! To whom shall satisfaction be accorded? The senator is faithful, the deputy inconstant. The cabinet deliberates, and as one might suspect, the deputy is the victor. Ten o'clock sounds, ten-thirty, eleven o'clock. The Minister of Foreign Affairs has received some important news that he wishes to communicate to the cabinet, the Minister of Finance is the bearer of grand reforms which will require profound study. What can be done? It is late; the Minister of the Interior is awaited by the journalists who have come for conference with him. We must adjourn. Besides, does not the Minister of Foreign Affairs know better than any one what decision should be taken? Is not the Minister of Finance the most competent of all in matters of finance? The best thing is to give them *carte blanche*. Another day we will talk about general public policy; another time we will attend to France."

Such a psychological setting as this, which one senses has not appreciably changed since M. Poincaré wrote these lines, is not conducive to really serious grappling with administrative problems.

Nor does the procedure by which the Council of Ministers works permit of an orderly progression from topic to topic.

¹³ In the *Revue de Paris* (1898), as quoted in H. Fayol, *L'Industrialisation de l'Etat* (Paris, 1921), p. 101.

Until the war period, as in Britain, there was no cabinet secretariat to prepare an agenda for cabinet meetings and keep an orderly record of their decisions. In 1917, a war-time secretariat was established by Premier Ribot, and retained with modifications by his successors, MM. Painlevé and Clemenceau.¹⁴ With the coming of peace, however, this valuable instrument of inter-ministerial liaison was gradually whittled down to a small stenographic force for the personal use of the Premier—partly for reasons of doubtful economy, partly because the majority of ministers are opposed to the keeping of any sort of permanent, accessible record of their proceedings. They prefer, as M. Louis Marin suggested to me, “to cover their actions by a nebulous kind of collective responsibility in lieu of a genuine individual responsibility.”¹⁵ M. Poincaré’s own personal secretary (*chef de cabinet*) at the Ministry of Finance astounded me by declaring that with the resignation of a prime minister, all *dossiers* and other papers are destroyed so that “political information of a delicate nature may not fall into the hands of his partisan opponents!”¹⁶

What aggravates this state of affairs is the fact that only seldom is the Government headed by a Prime Minister *without portfolio*. Instead of being free to wrestle with general policy, he is encumbered with the administration of an important department, which, in pre-war days, was usually the Ministry of Justice or of the Interior, but which, more recently, has usually been either Finance or Foreign Affairs.¹⁷

¹⁴ Cf. Paul Dubois, *L'Organisation des Services de la Présidence du Conseil* (Paris, 1919). M. Poincaré himself was chiefly responsible for starving this secretariat. By 1928, its personnel had been reduced to five stenographers and performed merely petty routine functions.

¹⁵ Interview of 16 July, 1927. M. Marin, Minister of Pensions in the National Union Government (1926-28), has for years advocated a permanent cabinet secretariat to keep the Prime Minister in touch with administrative operations and assist him in formulating a general program for discussion by the cabinet.

¹⁶ From an interview with M. Grignon, 13 April, 1927.

¹⁷ In recent years only the following have served as Prime Ministers without portfolio: Viviani (1915-17), Painlevé (Apr.-Nov., 1925) and Poincaré (Nov., 1928-June, 1929).

After taking care of his arduous parliamentary duties, making the accustomed round of public addresses, and giving a modicum of attention to the internal affairs of his own department, he finds little time or energy left for sustained thought on the larger aspects of administrative policy. Nor is there any adequate agency at his disposal to supply him with accurate and rapid information about inter-departmental relations. Consequently, unless he is a man of exceptional personal equipment and experience, he finds himself more or less a blind man in a fog. Numerous French critics of the premier's dual position as head of the government and departmental chief have for many years insisted that, like the British prime minister, he should be relieved of the care of a department so that he might devote his time outside Parliament to the development of a comprehensive plan of administration and the bringing of the various departments into effective harmony. It is in point to remark, also, that the Treasury in France does not exercise any general supervisory control over the civil service such as is exercised by the British Treasury. There is no permanent official, like the British permanent secretary of the Treasury, occupying his position as "head" of the civil service.

A third cause of the poor co-ordination that characterizes French central administrative machinery arises from what appears to an outsider as "committeeism" run wild. There are, on the average, fifteen or more committees attached to each ministry. Inter- and intra-departmental committees are created by the score; scarcely an issue of the *Journal Officiel* is printed which does not include the text of a decree (or *arrêté*) setting up a new committee. Now the principle of using committees for the purpose of policy-deliberation and co-ordination is admittedly excellent. It is true, moreover, that many of the French administrative committees that I had the opportunity to observe appeared to be serving valuable objectives.¹⁸ But at the same time it was evident that most of these

¹⁸ This is particularly true of those including representatives of the subordinate staff, and, occasionally of outsiders, where the total mem-

numerous committee groups were defective both as to composition and as to operation. Their size is too large, running, as in the case of certain committees like the Superior Councils of Agriculture and of Commerce, to over fifty. Not only is there little continuity in membership, but it too often includes important political personages from the outside whose busy lives do not allow them to take their multifarious committee activities with sufficient seriousness. What is more, one wonders if all this excessive "committeeism" is not a disproportionate drain upon the time and energy of high officials, many of whom have to serve on as many as twenty different committees simultaneously.¹⁹ The existence of too many groups for colloquy may, as one penetrating critic has suggested, operate to relieve an embarrassed minister of responsibility for action by providing a convenient way of temporarily burying delicate questions.²⁰ Committees meet, deliberate, issue reports, and then become dormant, often without any action ever being taken on their recommendations by the competent authority; in M. Chardon's expressive phrase, "they die, are resurrected, then die anew, after having added fresh papers to the old pile of papers already yellowed with age."²¹ No one is interested in the reports they leave behind them.

These defects apart, the fact remains that almost none of
bership is restricted to ten or less. Cf. Chap. XV for a discussion of the relation of such committees to initiative and morale.

¹⁹ According to no less an authority than M. Chardon, who, as a member of the Council of State, has had long personal experience with this "committeeism." Chardon thinks many of these committees encroach upon the advisory role of the Council of State itself.

²⁰ Cf. A. Thiers, *En Présence des Problèmes nouveaux* (Paris, 1928), p. 138, for this view; also H. Chardon, *Le Pouvoir administratif*, pp. 421-425.

²¹ *Op. cit.* In depicting the chaos of wartime committeeism, M. Renouvin says: "The *Journal Officiel* does not always register their creation; frequently, they are temporary organisms established by simple ministerial order . . . they live or vegetate, ignored sometimes by their immediate neighbors. They disappear without a ripple, for it is only rarely that an order or decree abolished them; their dissolution is not registered; it is merely a situation of fact." *Les Formes du Gouvernement de Guerre*, p. 66.

these committees act as continuous co-ordinating agencies between departments. Where they render service is, as we shall see later, to enable an articulate public to understand the reasons for administrative decisions affecting organized groups. They do little to harmonize the work of separate and jealous departments.

The results of this absence of effective co-ordination are patent to anyone who examines the distribution of administrative activities. No consistent principle, apparently, has been followed in allocating functions to the different departments. As in the American federal government at Washington, there are numerous examples of illogical grouping and excessive diffusion of administrative work. Until recently, the care of prisons was under the jurisdiction of the Ministry of the Interior instead of the Ministry of Justice, where it admittedly should belong. To-day, even, the police service (*sûreté générale*) of the central government rests in the former department rather than in the latter. M. Cahen-Salvador has recently called attention to the unfortunate effects upon the development of public hygiene and sanitation that come from having the government's hygienic service scattered through six different ministries—interior, labor, commerce, public instruction, war, and agriculture—a situation only partially remedied by the creation of an independent Ministry of Public Health in March, 1930.²² The handling of immigration is spread through at least five.²³ The merchant marine service has been paraded successively through the navy, commerce, and public works departments. As a typical example of departmental separatism may be cited the failure to utilize certain important military and naval telegraph and telephone lines for peace-time purposes. Since many of these lines

²² *Op. cit.*, pp. 73-74.

²³ Cf. Lambert, "French Immigration Problems," *Foreign Affairs*, Jan., 1928. The Minister of Labor controls industrial employment, health, and sanitation of immigrants; his colleague in Agriculture, the recruiting and distribution of immigrant farm labor; the Minister of the Interior, police regulation of aliens; the Minister of Justice, naturalization; and the Foreign Office, immigration treaties and agreements.

follow substantially the same routes as those of the P. T. T., slight modifications would have made it unnecessary to construct new lines. But failing the requisite inter-ministerial entente, new lines were built and a chance to realize substantial economies was lost.²⁴

It may be contended that where the method of departmental distribution of functions is not by persons, but by services, there will inevitably be a good deal of diffusion in the handling of policy affecting a certain class of persons, like, let us say, immigrants. But that, as Mr. Laski has suggested, "does not mean that such services can, or will, exist in water-tight compartments. . . . Each ministry will find on its borders problems which involve co-operation with other departments if they are to be adequately solved. And there will, again and again, be the difficulty of deciding (obviously a cabinet question) whether some particular function belongs to one department or another."²⁵ My observation was that for the three reasons I have just explained—cabinet instability and inefficiency, lack of an effective head of the government or of the civil service with time to devote to administrative planning, and the absence of proper inter-departmental co-ordinating agencies—policies and personnel are too often handled in the French system by the "water-tight compartment" process.

C. THE INTERNAL DEPARTMENTAL HIERARCHY

If one turns from *inter-* to *intra-*departmental organization, he finds operating there an almost equally strong tendency toward dis-unified control. Though widely divergent in extent and nature of activity, the different ministries present a striking resemblance in their central office organization. Each is divided into a number of divisions, called *directions*, or *serv-*

²⁴ Cf. Th. Barnier, *Au Service de la Chose Publique* (Paris, 1926), pp. 243-244.

²⁵ In *A Grammar of Politics* (New Haven, 1925), p. 369.

ices, and these in turn are subdivided into bureaus. There are certain services, moreover, that are common to all ministerial departments.²⁶ These are (1) the minister's personal secretariat (*cabinet*), (2) the purchasing division (*matériel*), (3) the accounting division, and (4) the personnel bureau. The grade of assistant bureau chief marks everywhere the dividing line between the directing and the executing personnel. But nowhere, except at times in the P. T. T. and the Foreign Office, does one find a permanent official analogous to the departmental permanent secretary in Great Britain. Below the political head, who as minister flits in and out with disconcerting frequency, no single technical administrator is responsible for the internal functioning of the "departmental household." Broadly speaking, the several directors or chiefs, have parity in rank as heads of departmental divisions.²⁷ In most departments, it is true, the practice is for these directors to meet in council once a week, or oftener if necessary, at which meetings the minister may or may not be present. But these "councils of directors" lack a continuous directing head—a need supplied in British administration by the permanent secretary. As things go, it is too easy for each departmental division to work along without knowing what its neighbor, which may be housed in a different building, is doing.²⁸ I remember wandering one day through the cavernous corridors of the *Palais du Louvre*, home of the Ministry of Finance, trying to find the Bureau of the Budget, where, I had been assured only a few minutes before by the assistant personnel officer, I could obtain nicely assembled statistical data on the number of fonctionnaires and their range of pay. After per-

²⁶ The only two general works on French ministerial organization are: H. Noël, *L'Administration de la France: les Ministères, leur Organisation, leur Rôle* (Paris, 1911), and G. Demartial, *Le Personnel des Ministères* (Paris, 1906).

²⁷ Irregularly, since 1905, semi-technical "under-secretariats of state" have been attached to certain ministerial departments, e.g., that of Fine Arts in the Ministry of Public Instruction. They occupy an ambiguous position and are not a part of the normal departmental organization.

²⁸ Cf. Dubois, *op. cit.*, *Revue du Droit public* (1919).

haps ten minutes of tortuous walking, I at last reached the Mecca of my pilgrimage. But alas! no one of the half dozen clerks to whom I addressed my inquiry knew of any such data being collected by the Budget Bureau.

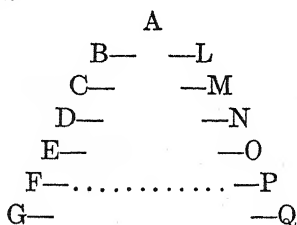
Nor was this my only experience with intra-departmental "isolationism." The internal organization of the Ministry of Public Instruction impressed me as possibly more devoid of co-ordination than the Ministry of Finance. The three divisions, in charge of superior, secondary, and elementary education respectively, seemed to be separated by artificial barriers across which only the most meagre lateral communication was permitted. Even inside one of these divisions, one bureau apparently knew little about the state of affairs in another.

I submitted a simple questionnaire to the personal secretary of the Director of Elementary Instruction in April, heard nothing of it for two months, and upon returning to inquire when I might expect a reply, discovered that a new secretary had replaced the one to whom I had presented my inquiry. The incoming secretary could find no trace of the questionnaire which had started on its travels from bureau to bureau two months before. After profuse apologies, he suggested that I re-submit the document and assured me he would have a complete reply for me within a few weeks. It was not until I had made two more visits in person and written several letters that I finally received in August not all, but part, of the information I was seeking. Data on the turnover of elementary school teachers the Ministry could not furnish at all.²⁹

While I do not wish to paint in excessively drab colors this picture of internal departmental bureaucracy, my own limited personal experience with French government offices in Paris is corroborated by countless printed and oral observa-

²⁹ As an exception to this tendency stands the postal, telegraph, and telephone administration, where the presence of a permanent "secretary-general" helps to secure better internal liaison.

tions made by French citizens themselves.³⁰ As will be suggested in a later chapter, the main fault seems to be that the hierarchical type of organization, nicely symmetrical as it is, makes for a sort of "bureau" autonomy and jealousy on the one hand, and introduces too many steps up and down the ladder on the other. The pyramid of officials super-imposed upon one another not only surcharges the budget, but results in a needless waste of time and a dissipation of responsibility. A document must descend from the director via the "under-director," the bureau chief, the assistant bureau chief, and on to the clerk (*rédacteur*) who is designated to handle the matter. Then it must climb back to the top by the same route, and before final action is taken, perhaps be considered by the *cabinet du ministre* or some committee.³¹ If in handling the matter it is necessary to consult a bureau in another division of the ministry, a second journey down and up the hierarchical ladder usually has to be taken. In his brilliant essay on *L'Industrialisation de l'Etat*, M. Fayol has admirably illustrated the working of this excessive "hierarchicalism" by the following diagram: ³²



If, upon reaching F, a *dossier* needs to be scrutinized by bureau P in another division, it must ordinarily travel back up to

³⁰ Among books alone may be cited M. Chardon's magistral volumes (already referred to); the indictments published by a distinguished group of engineers—Fayol, Schatz, Favarielle,—from 1920 to 1925; Justin's *M. Lebureau et M. Leparlement* (Paris, 1919); E. Borel's *Organiser* (Paris, 1925); A. Thiers' *En Présence des Problèmes Nouveaux* (Paris, 1928); Th. Barnier's *Au Service de la Chose publique* (Paris, 1926); and P. Dubois-Richard's *L'Organisation technique de l'Etat* (Paris, 1930).

³¹ Cf. G. Demartial, *op. cit.*, pp. 14-22.

³² Pp. 106-107.

A and down the second hierarchical path to P, instead of being dispatched by the direct lateral short cut, or *passerelle*, to the latter bureau. "If," says M. Fayol, "there were unity of direction, if a daily conference of directing heads were held, and if the organization plan allowed for a greater delegation of responsibility to subordinate officers, these ridiculous and often costly methods by which the public services operate would come to an end; the *passerelle* would obtain current usage."

Enough evidence, perhaps, has been presented to indicate that despite the common notion abroad that the French governmental system is *over-centralized*, this centralization has not been accompanied by administrative integration. There is absent that continuous, collective planning which is the essence of great administration. Whatever long-time planning or even day-to-day co-ordination there may be is a spasmodic phenomenon rather than a normal product of the administrative process. Moreover, the need of effective co-ordinating mechanisms is evident not only at Paris, but even more in the inter-relations of the field establishments of the central government.³³

D. THE PERSONNEL AGENCY

In the light of what I have suggested in the preceding section, the status of the personnel agency in the French system will be easy to visualize. Contrary to Anglo-American practice, the French have never provided for a central board, or commission, to handle personnel matters for the ensemble of departments and independent units. Instead, they have re-

³³ It is significant in this connection that Sir William Beveridge thought that the war-time tendency in Britain to replace the permanent secretary and let the Minister deal directly with a council of administrative chiefs was of doubtful wisdom. The minister, he argued, would find it impossible to be the domestic as well as the political head of his department; moreover, the post of permanent secretary gives continuity of administration, makes the public service attractive to ambitious men, and often serves as a training ground for future ministers. Cf. *The Public Service in War and Peace* (London, 1920), pp. 53-55.

garded each service as a unit unto itself with its own personnel agency. The latter, known variously as a "bureau," a "service," or a "direction," depending on the size of the staffs supervised by it, is headed by a *chef de personnel*, appointed by ministerial decree for an indefinite period. In most ministries, the personnel office proper is a part of a larger division of "personnel and accounting," or of "personnel and *matériel*," the director of which ranks alongside the heads of the other departmental divisions. The unit for personnel administration, however, is in some instances still more specialized. For example, the Ministry of Finance was organized in 1927 with ten different personnel bureaus, as follows:

Central administration	1 Direction (of Personnel and <i>Matériel</i>)
The revenue services:	
Direct taxes	1 Bureau
Customs	1 Bureau
Indirect taxes	2 Bureaus
Registrations and stamps	1 Bureau
Industrial and scientific establishments:	
State manufactures	1 Bureau
Moneys and medals	1 Bureau
Laboratories	1 Bureau
National printing office	1 Bureau

Similarly, in the Ministry of Public Instruction, there were six distinct personnel offices:

Central administration	1 Bureau (in Accounting Division)
Educational establishments:	
Superior	1 Bureau
Secondary	1 Bureau
Elementary	2 Bureaus
Under-secretariat for Technical Instruction and Fine Arts	1 Bureau

Likewise, to the Ministry of Public Works were attached two under-secretariats; (1) for aeronautics, and (2) for ports,

merchant marine and fisheries, each of which had its own personnel bureau; and the P. T. T., in the Ministry of Commerce and Industry, possessed its own "direction" of personnel. Action taken subsequently, in 1929 and 1930, in establishing independent ministries for Air, Merchant Marine, the P. T. T., the Budget, and Public Health respectively, as well as in sub-dividing the Under-secretariat for Technical Instruction and Fine Arts, still more accentuated the dispersion of personnel control.

In all, the administration of personnel is diffused through more than thirty different agencies. The official at the head of each of these agencies will usually have worked his way up through the hierarchy by promotion from the ranks. On the average, he will have had from fifteen to twenty-five years of experience in the public service, though sometimes none at all in a field establishment. He is seldom much below fifty years of age, often considerably older. While there is great variation in the number of years a man will serve as personnel officer, the average tenure for the position runs less than three years.³⁴ Sometimes, the personnel office marks the culmination of a man's administrative career; more frequently, especially in the case of the larger establishments, it is a stepping stone to another directorship, which, although not theoretically superior, either is held in greater esteem or seems more interesting from the standpoint of administrative activity.

The organization and functions of these departmental personnel offices do not follow any rigidly uniform pattern. But they have certain features in common. Always the staff or-

³⁴ This is a rough approximation, based upon information supplied by ten representative personnel bureaus. It is noteworthy that the average tenure for the director of personnel and *matériel* in the central organization of the Finance Ministry was, during the period 1872 to 1924, only eighteen months. In the Ministry of the Interior, moreover, the personnel director is usually a second class prefect who, like a bird of passage, looks forward after a year or so to an appointment to a "first class" prefecture, where spacious living quarters are furnished by the State in addition to the regular salary of the prefect.

ganization of the office is hierarchical, with the characteristic pyramidal arrangement of *chef*, *sous-chefs*, *rédacteurs*, and so on down the line. In the more important departments, the functions of the office are variously divided among two or three bureaus. These functions may best be understood if we look at them both negatively and positively. Negatively, they at once impress one familiar with English and American experience as inadequate. So far as I could discover, the personnel officer has at no point been given *general* responsibility for developing and administering a comprehensive classification and compensation plan for his jurisdiction. Nor, in most cases, do his duties include experimentation and research with respect to methods of recruitment; for he is not provided with any scientific research staff.

Substantively, the duties of the personnel office are determined by ministerial order. They are therefore subject to frequent modification. In general, it is the main function of the personnel officer to administer all phases of examinations for entrance and promotion, including certification for appointment. Next in importance comes the keeping of records on personnel,—the handling of those endless tiers of age-worn green cartons that so often touch the ceiling of the corridors adjoining his office. To one at all familiar with modern business filing devices, these records seem amazingly antiquated, even to the point of being kept in more or less illegible long-hand script. Most of the personnel staff to whom I had access were mysteriously reluctant to show me, a “mere” foreign outsider, the contents of these green cardboard boxes; but I was privileged to peep inside a few of them. Each employee has an individual *dossier*—what a halo surrounds that word in the atmosphere of French bureaucracy!—containing a mass of detailed information about the progress of his career in the public service. As we shall see in a later chapter, much of this information is not only of little importance, but is kept in an indifferent manner. Worst of all, the personnel office does not prepare for public inspection any simple, summarized

roster of the various classes of employees under its supervision; that is to say, the existing data are neither classified nor condensed for quick and ready use.³⁵

A third duty of the personnel office in most administrative units is to assist the promotion board in the preparation of annual and supplemental promotion lists. Just how important this rôle is it is difficult to say. One may hazard the generalization that it is ordinarily confined to routine operations. Similarly, the bureau of personnel receives and acts upon requests from individual employees for transfer, re-assignment, or re-instatement, although frequently the final decision in such cases is taken jointly by the council of directors or some similar committee within the department. Also, the personnel officer usually, though not always, sits as a departmental representative on the central disciplinary council which alone can inflict serious penalties, including demotion, suspension, and dismissal.

The final group of duties with which each personnel agency is charged has broadly to do with budgetary matters and the working conditions of the staff. The departmental pay roll is centralized by the personnel office and put into shape for submission to the Treasury. In view of the fact that the French scheme of personnel remuneration is highly involved, this is no small task. Not only must basic salary and wage scales be computed, but there is also the calculation of family allowances, cost of living bonuses varying with the size of the town where the employee is stationed, and the employee's contribution to his retirement annuity. Other miscellaneous matters that are administered by the office include

³⁵ "The importance of personnel records and statistics," writes W. F. Willoughby, (*The Principles of Public Administration* (Baltimore, 1928), p. 343), "has received less attention than it deserves. There should be accurate statistics showing the number of employees, classified according to such criteria as sex, age, compensation, length of service, etc. These statistics are valuable from the standpoint of not only the individual employee, but of the needs of the social scientist, and with the development of retirement systems such data are absolutely essential for a proper working of the system."

accident compensation, sick leaves, vacations, and the selection of employees for decoration as a reward of meritorious service.

Upon the recommendation of the several directors, the personnel officer submits to the minister names of officials for nomination to the Legion of Honor—a matter which, as one amusingly realizes from a casual glance through departmental yearbooks, has a not inconsiderable routine importance in a public service like the French; for a man in a middle or upper grade governmental post without some sort of official decoration simply lacks caste, even though the distinction may be so common as to cease in fact to be a distinction.

In concluding these preliminary observations on the personnel office it should be pointed out that there is little agitation in France for the establishment of a central (inter-departmental) civil service agency.³⁶ Time and time again it was argued by some of the ablest administrators with whom I talked that conditions of recruitment and management of personnel varied too greatly from service to service to make it feasible to set up a central agency. After spending several months observing the French system, I became somewhat impressed by this point of view. For the administrative personnel of the French central government, it must be remembered, performs a wider range of activities than does that employed by the American federal or state governments, or even the unitary government of Great Britain. Furthermore, the way in which the United States Civil Service Commission bungled in 1927-1928 the job of selecting prohibition officers under the merit system does not increase one's confidence in a too strongly centralized administration of recruitment.³⁷ At

³⁶ Nor, for that matter, centralized budgetary, purchasing, or accounting agencies.

³⁷ Cf. *The Public Business* (Washington) for March, 1928. There was no experimental work by the Commission; it made no attempt to determine the character of performance of prohibition officers in the service; the tests showed a lack of proper planning; and above all, the Commission failed to consult the prohibition authorities about the

the same time, much is gained by having some adequately equipped central agency which can give its whole time and ingenuity to improving, after careful scientific experimentation with testing and its results, the methods of selecting employees and fitting them to the tasks for which they are best suited. If properly staffed, such an agency can build up an invaluable body of experience collective and continuous in character.

Here it is that the French "departmentalized" personnel system is weakest. In spite of the fact that many of the personnel officers are men of outstanding general ability and mature administrative experience, they come to their tasks with no special training in the art of management. They know little about the causes of fatigue, the incentives and depressives of morale, or the principles of modern staff organization. Their educational background is mainly legal, where it is not, as in the technical services, strictly professional (engineering and the like). The direction of most of the personnel offices is not a continuing direction: instead, it is characterized by a disrupting instability. The subordinate staff, moreover, consists of a group of clerks that have, for the most part, long since succumbed to the deadening effects of routineerism. The consequences are natural: a discouraging mis-application of time, effort, and money without a proportionate return in terms, as the phrase goes in Europe, of personnel "rationalization."

Later in this book the reader will doubtless be impressed by the number of suggestive and ingenious personnel practices that one finds in analyzing the operation of this decentralized type of personnel administration. But the unfortunate thing about them is that they stand as quasi-isolated islands in a labyrinth of legal intricacies and traditionalistic routine

nature of the tests. The result was (1) that only thirty to forty per cent of the existing prohibition force passed the first set of examinations and (2) the cost of examining the 20,000 applicants reached \$10 per applicant, as against \$5 for the general run of candidates for federal government positions.

habits. If there were some way not only to pool this experience, but to fertilize it with the aid of the psychologist and the man of practical affairs, French public administration might possibly be renovated along twentieth century lines.

CHAPTER III

TOWARD A GENERAL CIVIL SERVICE CODE

Throughout the history of the French civil service during the last eighty years there has run a chronic struggle to achieve a general law fixing rules for recruiting, promoting, paying, disciplining, and retiring the ensemble of state employees. That struggle still goes on to-day. Every attempt to enact a *statut des fonctionnaires* by parliamentary action has ended either in partial or in complete failure. The nature of this prolonged conflict illumines once more the reasons why it is so difficult to integrate the administrative process, for here again the basis for regulations governing personnel is essentially the departmental ordinance. Yet certain significant advances toward a comprehensive civil service law have been made since the eighties, and at the present time the outlook for a substantial unification of civil service rules, at any rate in their broad outlines, seems possibly more promising than ever before. An understanding of the forces that have alternately stimulated and impeded this progress toward a statutory merit system is an essential preliminary to our analysis of specific personnel policies.

A. SYNDICALISM VERSUS AUTHORITARIANISM

The sources of the movement for a *statut des fonctionnaires* have been two-fold. On the one side, the organized rank and file have from time to time sought general statutory guarantees against arbitrary policies on the part of the Government—against, that is, political interference in appointments and promotions, against nepotism, favoritism, and their obvious

corollaries. On the other side, the Government has recurrently been motivated by a desire to restrict the right of trade-union, or syndicalist, organization on the part of its staffs, and above all, to make it illegal for its employees to attempt to strike. The more administrative syndicalism increased in strength, the more the principle of "authority" was invoked by successive cabinets against it. What the syndicalists were mainly concerned in securing by the enactment of a *statut*, officialdom was most reluctant to grant. The inertia and instability that tend to characterize the French parliamentary executive have contributed to this impasse; and more than once, partisan intrigue has been the immediate occasion for the failure of specific *projets de statut*.

Let us review the history of this struggle. It began as early as 1846, when a proposal for a civil service law was defeated in Parliament because it "encroached upon the liberty of the Government, that is, upon royal prerogatives which should never suffer useless diminution at the hands of the other powers of the State."¹ Again in 1848, in 1888, in 1891, in 1895, and in 1897 successive ministries felt impelled to combat as tendencies toward "anarchy" proposals emanating from the rapidly organizing body of subaltern employees. Meanwhile, as the grievances of the *fonctionnaires* grew more acute following the Dreyfus Case, their demands for stable guarantees increased in vociferous intensity. Pushed by the press and the *syndicats*, the Governments in power during the first decade of the 20th century gradually became reconciled to the idea of some kind of general statute that would curb militant syndicalism and repress outbreaks from the mass of state employees which might in a service like the posts and telegraphs lead to ominous consequences. To re-inforce the official position, juriconsults and publicists of divergent points of

¹ Lefas, p. xiii. There had been proposals earlier in the forties, but none of them reached a decisive vote in Parliament. Cf. J. Busquet, *Les Fonctionnaires et la Lutte pour le Droit* (Paris, 1910), pp. 47-58, for a good chronological account of the movement for a *statut* down to 1902.

view took up the cry for a *statut* as the only way out of the dilemma.²

In 1907, after an extra-parliamentary commission had wrestled with the knotty problem for many months, the Clemenceau Government was impelled to sponsor a "de-natured" proposal that laid down certain general principles relating to recruitment, promotion, and discipline, the details of which were to be elaborated within one year by ordinances of public administration. But the joker in this bill was that its provisions were not to apply to ambassadors, ministers, directors, prefects, or high colonial officials; and it was silent on the knotty question of the right to organize to strike. The Government's views were not in accord with those of the extra-parliamentary commission, which proposed to allow either *associations* under the provisions of the law of 1901, or *syndicats* under the law of 1884, provided they did not federate across departmental lines or affiliate with the General Confederation of Labor outside. Nor would the Government accept the commission's proposal to impose merely the penalty of dismissal for the act of striking, that is, to assimilate the status of civil servants as far as possible with that of private citizens.³

Failing agreement with the Government, the special commission continued working through the year 1908. In March, 1909, the Government of the day categorically rejected the commission's project on the old ground that it would undermine the ministerial prerogatives of control over governmental employees. Two years and a half of conscientious labor on the part of the commission were thus summarily condemned by officialdom. Nevertheless, the commission presented a report to Parliament incorporating the results of its long deliberations. In addition to general rules for re-

² Notably Lamaude, Berthélemy, Faure, Jèze and Demartial, the last-named being himself an official in the Ministry of Colonies. Cf. Ch. Georhin, *op. cit.*, pp. 218-222.

³ G. Cahen, *Les Fonctionnaires* (Paris, 1911), pp. 328-350, gives an excellent account of the bitter struggle of 1906-1910.

TOWARD A GENERAL CIVIL SERVICE CODE 53

cruiting and promoting on a competitive merit basis, this report envisaged the setting up in each ministry of bi-partite "councils of administration" whereby both upper and lower grade staff representatives might advise their chiefs on matters of policy. It further called for the establishment of disciplinary councils with independent jurisdiction. In case of strike, however, the minister might on his own initiative suspend or dismiss the culpable employees. The councils of administration were to serve as agencies for hearing appeals made in such cases by the affected parties, and the decision of the council, which must be "motivated," was to have final weight. In substance, this was a project that went further than any of its predecessors in conceding the guarantees against *l'arbitraire* demanded by the staff organizations.

But again, partly on account of the pressure of other business, partly because of its typical inertia, the Chamber failed to act on the commission's report. Instead, the Government a few weeks later introduced a new bill. While this bill was less liberal than the report of the commission, it did accept the principle that admission to the public service in the future should, with certain exceptions, be by competitive examination or the presentation of professional credentials. Once again the commission was asked to resume its labors with a view to working out a feasible compromise between its views and those of the cabinet. The commission, however, refused to yield except on the powers of the proposed superior council of discipline, to the effect that the cabinet, by a decree indicating its reasons, might refuse to apply a decision rendered by this council.

By this time M. Briand had become the head of the Government. In his ministerial declaration, he affirmed that "he would assure to the servants of the State their liberties and legitimate guarantees." His Government repeatedly announced its intention of forcing the adoption of a general *statut*, and, in fact, it introduced in July, 1910, a bill that closely paral-

leled the one sponsored by the preceding cabinet. But this time the great railroad strike intervened, and the political world soon turned to a consideration of other contentious matters like electoral reform and the compulsory military service law. When the World War came, no *statut* had been voted.

If we turn now to the attitude of the *syndicats de fonctionnaires* during all this extended discussion, we discover that in reality they were not evincing much enthusiasm over any of the "official" projects that reached the halls of Parliament. The majority of the members of the *syndicats* were either indifferent or hostile to all these proposals because they thought they would bring them no material advantages. "We don't want a chain, even gilded. . . . The fonctionnaires have their strength in themselves."⁴ At the 1912 Congress of the *Fédération des Fonctionnaires* a resolution was unanimously adopted in this sense: (1) every project has tended to restrict our right of association, (2) none has accorded the *maximum* of guarantees due us, and (3) it is irrational to legislate for all the public services by a single act.⁵ The demand voiced by the militants in this Congress was for the "protecting fold" of the trade-union act of 1884; a general *statut*, they argued, would be too much an application of the principle of authority. There were really three theses in conflict: first, *authoritarianism*, which was the Government's position; second, *integral syndicalism*, which to the extremists in the *milieu des fonctionnaires* meant turning over the operation of the postal service to the postmen, the schools to the teachers, the customs to the inspectors and their subordinates, and so on through the gamut of state services; and third, *collaborationism*, a view held by the great mass of the rank and file, which proposed for the subordinate personnel equal representation with officialdom in the determination of all matters affecting the status of the employees. Even this last point of view was,

⁴ Quoted in d'Hugues, *La Guerre des Fonctionnaires*, p. 176.

⁵ *La Tribune du Fonctionnaire*, Jan., 1913.

however, too advanced for the Governments that, successively since 1906, had cautiously grappled with the problem.

The upshot of the situation was that in the 1914 elections the *Fédération des Fonctionnaires* advised its members to support only those candidates who gave an affirmative answer to the question whether they would give their votes in Parliament to "the inclusion of representatives of the staff associations on the various committees regulating personnel matters."⁶ While a considerable number of radical and socialist deputies replied favorably to this query, they were not numerous enough to swing the Chamber.

It was not until 1920 that the question of a general civil service act again came to the fore. Mightier problems of war and reconstruction had kept it dormant through six hectic years. In the meantime, French labor syndicalism "had reached the high tide of its numerical expansion." By a law enacted in March, 1920, the Millerand Government had extended the civil capacity of industrial labor organizations. Since no agreement could be reached on whether this law covered civil service associations, it was provided that a "special law" would be enacted later to fix the *statut des fonctionnaires*. This revived the old fight. In June, the Government brought in an elaborate bill to carry out its promise.⁷ Once more surged up the concentrated opposition of the civil service groups, which, by then, were on the verge of affiliating with the C. G. T. The causes for this new outbreak of hostility arose from two articles in the new bill: one stating that professional groups of civil servants could not pursue any "political objective," the other forbidding federations among these groups.⁸ "The fonctionnaires of all grades," declared the journal of the *de facto* Federation, "refuse to accept such a meas-

⁶ *Ibid.*, Nov., 1913.

⁷ The text of this bill, containing 28 articles, represents the most comprehensive effort yet attempted in France to incorporate a full set of civil service principles into a single act. Cf. *Chambre des Députés* (No. 996), 1 June, 1920.

⁸ Arts. 20 and 21.

ure of regression; in fact, they do not care to be less than full-fledged citizens."⁹ Before, however, the Chamber of Deputies was ready to begin its discussion of this project, the Government had instituted legal proceedings to dissolve the C. G. T. as a punishment partly for instigating the general strike of May, 1920, partly because it had definitely admitted civil service groups to its fold. More pressing matters intervened and in the general political turmoil of those days, the bill was never debated on the floor of the Chamber. Thus ended the last attempt to secure a general civil service statute.

In consequence of this long drawn-out conflict between the upholders of "authority" and "prerogative" and the advocates of administrative "democracy," there has emerged a determined and apparently growing opinion among French commentators on public affairs that a general law regulating the status of State personnel is neither possible nor desirable. Such a law, I was frequently reminded in 1927, would necessarily have to be vague in order to adapt itself to all situations. It would either limit the discretion of the Government too little or contain so many exceptions as to destroy the general rules. Furthermore, since each ministry would in any case be allowed to apply these rules by ordinance, the actual change from "the régime of decrees" would be very slight. After all, according to M. Jèze, it is preferable to leave the matter to the jurisprudence of the Council of State, which has boldly and intelligently pronounced itself against the strike, against appointments not in the interest of the public service, and against all violations of existing decrees relating to personnel. Theoretically, a legislative enactment might be more stable, but since the war ministers have been less prone to modify regulations by ordinance than in earlier years. They are forming the habit of consulting the accredited representatives of their staffs before proposals for change are submitted to the Council of State for its opinion. Such a practice offers a fairly sure guarantee against capricious al-

⁹ *La Tribune du Fonctionnaire*, 15 April, 1920.

terations in the personnel code of the department. The only important advantage offered by a general statute would be its emanation from a single source, with a unified *plan d'ensemble*.

B. PERSONNEL REGULATION BY SPECIAL STATUTES

Even though every attempt to enact a general civil service act has failed, a number of special acts have been adopted dealing with limited phases of personnel management or specific categories of fonctionnaires. Aside from retirement legislation, the only statutory rule affecting the ensemble of civil service is found in the now famous article 65 of the Finance Act of 1905. The provisions of this article are as follows: "Every civil and military fonctionnaire, every employee, every laborer in the public service has the right to demand the confidential communication of all papers and documents in his *dossier*, if he is threatened with a disciplinary penalty. a transfer against his will, or a postponement of his advancement by seniority."¹⁰ This article is celebrated in French administrative history by reason of the dramatic situation that gave rise to its adoption. It grew out of the bitter conflict raging between Church and State at the time of their separation. In those days, the private as well as public activities of school teachers, postmen, and army officers were subjected to an official espionage that finally became intolerable. If a teacher was seen attending mass, it meant that his loyalty to the Republic was suspected and not infrequently resulted in dismissal or transfer to a less desirable post. The *Syndicat des Instituteurs* rose in revolt against this régime of spying and "secret notes" by demanding from Parliament the passage of a rule that a fonctionnaire's *dossier* should be open to his inspection at all times. Although the Chamber passed such a provision on several occasions, the Senate steadfastly held out against it on the ground that it would convert service

¹⁰ Quoted in Duguit, *Traité de Droit Constitutionnel*, Vol. III, p. 151.

ratings into a farce; no rating officer, thought the Senate, would dare put anything but vague banalities in an employee's record if the latter could examine it whenever his caprice dictated. The article quoted at the beginning of this paragraph represented a compromise between the views of the two legislative assemblies on the controversy.

Since its adoption, this rule has received contradictory interpretations. A distinguished constitutional jurist like M. Duguit has contended that it is of absolutely complete application, covering even the situation created by a strike. The Council of State, however, handed down a decision in 1909, in an action attacking the dismissal of certain postal workers after the second strike of that year, to the effect that article 65 of the law of 1905 was not intended to apply to disciplinary measures imposed as a result of a strike. During the war, moreover, the Government issued decrees suspending the operation of the provision first, to military, and later to civil, personnel, until the cessation of hostilities.¹¹ Judging from the large number of appeals taken to the Council of State, one would infer that the requirement for the communication of the *dossier* in disciplinary cases has frequently been violated. More than one personnel officer whose opinion I sought was vehement in denouncing its pernicious effects. Their view was that it tended to intimidate rating officers, so that, as the Senate feared in 1905, they preferred to rate every one favorably in order to avoid having to justify an adverse rating before a disciplinary council. On the other hand, staff associations look upon the article as an invaluable protection for the civic and religious liberties of their members. To a disinterested outsider, article 65 would seem to have helped free the French public service of a pernicious practice subversive of all morale. Nor does it necessarily follow that its enforcement need undermine the usefulness of service ratings. That, however, is another matter, the implications

¹¹ Duguit convincingly argues that this suspension was illegal. Cf. *op. cit.*, Vol. III, pp. 163-164.

of which will be analysed in the chapter on promotion procedures.

Directing our attention to specific classes of fonctionnaires, we find that the official tenure of magistrates, military and naval officers, and university and secondary school teachers is strongly secured by statutes of long standing. All sitting judges have been declared irremovable (except by a carefully prescribed judicial process) by constitutional, as well as ordinary, statutes during the 19th century.¹² Likewise, officers of the army and navy enjoy statutory protection for what is virtually irremovability.¹³ Since 1880, university professors "cannot be suspended, prematurely retired, or dismissed except by a formal decision of the university council to which they belong, with right of appeal in every instance to the Superior Council of Public Instruction."¹⁴ The decision of the latter body, moreover, must be by a two-thirds vote, and the defendant is entitled both to testify in his own behalf and to be represented by counsel. Similar though not identical protection is accorded teachers in the secondary schools by the same law. The status of elementary teachers is regulated by a series of laws running from 1880 to 1919. For example, their dismissal cannot be pronounced by the prefect except upon the recommendation of the inspector of academy.¹⁵ Nor can an elementary teacher be permanently forbidden to teach in the public schools without a formal decision to that effect by the proper *conseil départemental*, the Superior Council of Public Instruction at Paris again having appellate jurisdiction.¹⁶ In addition, for all three grades of teachers—university,

¹² *Ibid.*, Vol. III, pp. 176-184. Cf. also Busquet, *op. cit.*, pp. 72-84. The chief of the statutes protecting the independence of the judiciary is the act of 12 July, 1918, which prescribes a hearing before a special board of justices from the Court of Cassation prior to the dismissal of a judge.

¹³ Duguit, *op. cit.*, Vol. III, p. 176.

¹⁴ *Ibid.*, p. 184.

¹⁵ *Ibid.*, p. 186.

¹⁶ The *conseil départemental*, presided over by the prefect or the inspector of academy, is an important advisory administrative agency sitting in each *département*. Its composition includes four representatives elected by the teaching staffs of all the elementary schools in the

secondary, and elementary—salary classification and advancement have since 1919 been regulated by statute.¹⁷ In short, what one finds is that judicial, military, and educational personnel are the beneficiaries of a special *statut* which gives them not complete irremovability, but relative freedom from removal or disciplinary action without just cause. This *statut* can, of course, be non-retroactively modified at any time by Parliament; they do not, as M. Duguit has pointed out, have any subjective right to their positions. Yet they are perhaps better protected than the mass of central governmental employees whose status is determined by decree. Statutory changes, by and large, are not so easily and hastily effected as changes by ministerial order.

As has already been indicated, there is no general law fixing methods of recruitment for the administrative services of the central government. Two important laws, however, were passed shortly after the war outlining the rules for recruiting, promoting, and disciplining employees (1) of the communes and (2) of the prefectures (*départements*). The municipal code of 1884 was supplemented in 1919 by an act which requires that in all cities and towns of 5,000 inhabitants or over the municipal council must draft a set of regulations for a merit system for the city's employees.¹⁸ Should a council fail to draft such regulations within six months after passage of the law, or after the creation of new municipal services, the prefect is required to put into effect in the delinquent municipality a model code (*règlement-type*) framed by the Council of State at Paris. While nearly all the larger cities of the country were already using some kind of merit system, this act of 1919 generalized its application for the ensemble of municipal employees in the smaller towns. The following year Parliament passed a second act fixing general rules for recruiting and organizing the administrative *département*. Cf. J. Soleil, *Le Livre des Instituteurs* (4th ed., Paris, 1927), pp. 93-99.

¹⁷ Act of 6 Oct., 1919.

¹⁸ Act of 23 Oct., 1919. Cf. Berthélemy, *op. cit.*, p. 77.

TOWARD A GENERAL CIVIL SERVICE CODE 61

staffs attached to all the prefectures into which France is administratively divided, except the Prefectures of Police and the Seine at Paris, the latter having established personnel codes on their own initiative.¹⁹

This rapid survey covers substantially all the important aspects in which public personnel was regulated down to the year 1928 by formal statutory enactment. To be sure, minor provisions relating to personnel are scattered through the annual finance acts, as, for instance, an article in the act of 1912 which forbids the appointment of a member of a minister's *cabinet* to a new position—a provision designed to check the tendency of ministers to use their *cabinet* as a short-cut means of landing attractive administrative posts for their personal friends and relatives. Provisions for retirement pensions are also statutory (Acts of 9 June, 1853 and 14 April, 1924), and the reservation of certain positions to war veterans is prescribed in the act of 30 January, 1923, as subsequently amended.²⁰ But such fragments do not bulk very large in the vast accumulation of decrees which constitute the principal legal basis for French personnel policies.

C. THE PIECEMEAL DEVELOPMENT OF A GENERAL CODE BY DECREE

The real onslaught on *l'arbitraire* and political favoritism in appointments and promotions has come by the action of individual executive departments after pressure by the organized rank and file of their own employees. Down, roughly, to 1900 there were almost no effective limitations on ministerial discretion in dealing with the civil service. If the law of 1882, which, it will be recalled, contemplated "organic"

¹⁹ Act of 1 April, 1920.

²⁰ Arts. 141-142. Among similar statutory provisions may be cited the laws of 13 July, 1911 and 1 March, 1923 regulating entry and advancement in the Council of State, and that of 22 Feb., 1927, indicating under what conditions secondary school teachers may be transferred against their will.

règlements for all the central administrative services, had been fully and immediately carried out in spirit by the Government, it is more than likely that syndicalism would never have taken hold in civil service circles.²¹ But things took another course. Cabinet after cabinet was content to plough along in the quagmire of favoritism and intrigue. It was really not until the last decade before the World War that important barriers against this demoralizing state of affairs were erected. To secure these barriers, tremendous political pressure had to be exerted by hundreds of thousands of subaltern employees driven into syndicalist class-consciousness by a long train of abuses of which they were the victims. Opposing the adoption of a general statute because they feared it would restrain their civic privileges and syndicalist hopes, the chosen leaders of these long-suffering men (and a few women) proceeded to press their case before their superior officers at every possible turn. Delegations from the *syndicats* waited upon ministers and high administrative officers and demanded that they be permitted to sit down with their superiors and share in the elaboration of definite rules to protect the mass of humble employees against favoritism. While most of these men were earnest and sincere in submitting such requests, a few of them were naturally arrogant self-seekers, interested only in getting more lucrative posts for themselves or in bringing the upper stratum of officialdom down to their own economic level. The embattled *fonctionnaires* were not, as some of their literary apologists would have one believe, all "heroes and saints." They were often merely human beings with strong impulses to deliver violent tirades against the "big salaries" (*gros traitements*) of upper-grade officials. Behaving like

²¹ The beginnings of a *statut des fonctionnaires* by departmental ordinance in the treasury and the post office date from 1900. With reference to the "organic" regulations called for by the law of 1882, M. Chardon suggests (*Les Travaux publics*, p. 32) that the Council of State did not feel equal to the task of general administrative re-organization and contented itself with piecemeal ameliorations of the "*cadres impériaux*."

trade-unions, the different associations frequently seemed obsessed with a naïve jealousy of one another. Yet, if a fair balance be made, one will realize that these poorly-paid victimized men had real grounds for protests. In a word, they had too long felt the pricks and been entangled in the snarls of mal-administration to be restrained by nice legalistic dogmas of state sovereignty and governmental authority.²²

In any event, the influence of administrative syndicalism on the development of a personnel code has since 1906 been singularly striking. Starting with the postal, telegraph, and telephone services, where necessarily large groups of subordinate employees could best make their force felt, an imposing edifice of personnel guarantees has been built up by ordinance, an edifice which to-day extends, in part at least, to every administrative unit of the French Government. At the outset of my own investigation, I had the ambitious intention of classifying, if not of codifying, these thousands of decrees. But the task soon assumed such formidable dimensions that it was abandoned. A collection of the more important statutes and regulations affecting French administration, however, is available in M. Joseph Delpech's *Code administratif*, (Paris, 1927), a volume of 900 closely printed pages, nearly 700 of which deal with the period since 1870, and 400 with the last thirty years. So far as personnel rules are concerned, this collection is far from complete. Its author admits that "their increasing multiplicity and their frequent imperfection make codification difficult and present the characteristics of rule-making by fits and starts."²³ The substance of these regulations ranges in importance from fragmentary salary revisions to "organic"

²² In M. Siegfried's opinion, as expressed to the writer personally, the actual basis of the fonctionnaires' grievances has been exaggerated in syndicalist literature. This view, however, is not widely held outside conservative quarters.

²³ Delpech, pp. v-vi. There also exists a monthly collection of laws and decrees of "general interest," which is known in France as the "Duvergier" collection, from the name of its originator. This, too, is incomplete, aside from the fact that it includes a mass of material that has nothing to do with administrative organization or personnel. Its index, however, is useful for purposes of reference.

rules governing appointment and promotion. Some of them affect only a minute group; others, thousands of persons. Some are decrees rendered after consultation with the Council of State; others are the result of the ministry's exclusive initiative, and still others (*arrêtés*) are simple departmental orders of dubious "constitutional" validity. To-day in a single administrative service like the P. T. T., the accumulation of new decrees, together with amendments to old ones, would fill a fat volume of from 600 to 1,000 pages, of which at least 300 pertain to the status of department personnel.²⁴

It is in this sense that one can speak of a legal personnel "code" having grown up empirically during the last generation. For the most part, the guarantees it contains are the outcome of joint negotiations between officialdom and delegates of staff associations. In the post office, for instance, the process works out somewhat as follows: The postal unions instruct their officers to petition the directors to adopt certain proposals; the latter, after considering them carefully, recommend to the secretary-general what decision they believe ought to be taken. If these recommendations are acceptable to him, they usually go to the Council of State for examination as to compliance with existing statutes and possibly other ordinances. Then the personnel office prepares a revised draft for the minister's signature before publication in the *Journal Officiel*. If the subject-matter is of unusual importance, the draft-decree may be discussed by the cabinet prior to this last stage in the process, although cabinet consideration must be regarded rather as an exception than as the rule. In the Ministry of Finance, the personnel officer for the central offices admitted to me that the initiative for changes in the *statut* of the personnel under his jurisdiction nearly always came from their organizations. In fact, some ministries, like that of Public Instruction, have adopted the practice of receiving regularly once a week delegations from the *syndicats*, so that

²⁴ Information conveyed in an interview with M. Mulotier, Deputy Personnel Officer of the P. T. T., 4 April, 1927.

they may openly and directly air their current grievances and offer suggestions. From these periodic conferences has often come the germ of future changes in personnel regulations.

The degree to which officialdom resists the requests submitted by the employees' delegates depends partly upon the personality and attitude of the minister in charge of a department, partly upon the immediate political situation in which the cabinet finds itself. Resistance was generally stiffer in the years prior to the war than it is nowadays. For a long time the high officials of the Treasury held out stubbornly against what they called "the impudence" of the syndicalist leaders. But little by little a new spirit penetrated authoritarian precincts and the staff associations were able to make many of their protests effective. The greater the electoral force of their number, the stronger, of course, was and is their position. By inducing a sympathetic deputy to question or interpellate the minister, they are often able to accomplish quicker and more decisive results than by weeks of vain pleading with departmental officials. Thus teachers and postmen, tax collectors and customs officers have left a deeper imprint upon the rules governing their status in the public service than have smaller groups without mass blocs of votes which they can actually or supposedly deliver to party candidates who press their claims upon the Government.

Something should now be said about the tendency to unify departmental personnel regulations in so far as they affect matters that are common to several departments. We have seen why it was that attempts to secure a general statutory code have always ended in failure. From time to time, similar efforts have been made to get a unified inter-departmental code by decree. As early as 1907, the Clemenceau cabinet asked the Council of State to take steps "to make as uniform as possible the status of the employees of the central offices of the Government." Again, two years later, the Chamber of Deputies requested the government of the day to "unify the

rules for promotion and the salary schedules" in these same offices. The next year a special commission was set up to work out a plan of unification, but the task proved so arduous and complex that it was left unfinished on the shifting sands of party politics.²⁵

In 1925, the subject came up again. The Painlevé Government of that year appointed a "permanent commission" to elaborate a general *statut* for all the different administrative services.²⁶ This commission consisted of three members of the Council of State, one member of the *Cour des Comptes*, two inspectors-general from the administrative services, and four representatives of staff associations (three from the Federation of Fonctionnaires and one from the Postal Federation). After two years, during which the commission met occasionally, almost no progress had been made. There was little hope, as M. Chardon, perhaps its most distinguished member, expressed it in 1927, that much would ever be accomplished, first, because only matters of details were submitted to the commission, and secondly, because its chairman was not in sympathy with its objects.

Another tendency toward unification has been manifested in the creation of five special commissions to re-classify positions and standardize salaries across departmental lines. Here, as we shall see more fully in a later chapter, the aim was at once to readjust salary scales to higher living costs and to equalize payment for all positions requiring equivalent training and involving similar responsibilities. While no general classification plan has yet emerged from the rather spasmodic labors of these commissions—partly because salary revaluation is still in process—the disparities in titles and salary levels from one department to another are being steadily ironed out.²⁷

Despite the fact that formal unification is beset with grave

²⁵ Cf. Cahen, *op. cit.*, p. 230.

²⁶ *Arrêté* of 22 May, 1925.

²⁷ Cf. Chap. VIII for a detailed treatment of the work of these commissions.

political difficulties, departmental personnel regulations for comparable groups of employees constantly tend to become more and more alike. Why this should be so is obvious: it is the consequence of syndicalist solidarity in the ranks of the civil servants. While the different staff associations do vary considerably in their attitude toward, say, promotion by seniority as against promotion by selection, they are all agreed that stringent guarantees against personal bias and partisan interference are necessary. One *syndicat* may insist upon a larger representation on departmental disciplinary councils than another, but all stand together against leaving the power of dismissal in the hands of the superior officer alone. The fact is that critics of the syndicalist movement are repeatedly calling attention to the "baneful effects" of this "too rigid *reglementation*." M. Barthélemy's comment is typical: "The principle (of a unified *statut*) is excellent, so long as it confines itself to protecting the *fonctionnaire* against *l'arbitraire* and the fantasies of politics. But it would become dangerous by its excess, and especially if it resulted in paralyzing free selection in filling high administrative posts. An exaggerated action against *l'arbitraire* would lead to the establishment of a régime in which seniority dominated, in which all stimulus was removed, and in which somnolence and mediocrity reigned."²⁸

The real difficulty comes not from the absence of complete uniformity in personnel regulations from service to service, but from the relative ease with which they may be modified. Not merely are they prepared by a multitude of authorities independent of one another, but changes in their form and meaning may be made without considering what effects they would have upon the state budget, that is to say, without any *plan d'ensemble*. For, after all, most staff associations are human enough to frame their proposals without regard for, or understanding of, their general consequences. And ministers, too, have been known to rush through amendments to their

²⁸ In *Le Problème de la Compétence dans la Démocratie*, p. 242.

own or their predecessors' decrees so that favored individuals may receive exceptional treatment. This at once raises the question as to what legal sanction there is for this fragile régime of decrees.

D. THE RÔLE OF THE COUNCIL OF STATE IN EVOLVING A LEGAL SANCTION

However critically minded foreign observers of French political institutions may be, few fail to be impressed by the remarkable way in which the French Council of State, as the supreme administrative tribunal of the land, has built up in fifty years a system of jurisprudence which to-day affords to private citizens a stronger protection against arbitrary and illegal administrative acts than is to be found in possibly any other country of the world. Here was a court which, in spite of its subordinate relationship to the executive branch of the government, struck out along independent lines and elaborated a body of case law that now goes far toward establishing the principle of state responsibility whether for breach of contract or for civil wrongs. Paralleling this evolution is another development causing administrative ordinances to be subjected to rigorous review for excess and misuse of power—a judicial review that has benefitted the vast body of civil servants as much as it has served to give relief to injured private citizens.

It is in the decisions of the Council of State, then, that we find a legal sanction for decrees regulating the status of public personnel, in so far as there is any sanction at all. This is a development of the last thirty years.²⁹ As late as the opening

²⁹ For an interesting survey of the earlier phases of evolution cf. Cahen, *op. cit.*, pp. 298-330. The post-war period is covered generally in R. Alibert's *Le Contrôle juridictionnel de l'Administration* (Paris, 1926), pp. 106-121, and H. Welter's *Le Contrôle juridictionnel de la Moralité administrative* (Paris, 1929). The best treatment *in extenso* is to be found in J. Frenoy, *Le Conseil d'Etat et les Nominations illégales dans les Fonctions publiques* (Paris, 1913), and J. Jourdanne, *Les Associations de Fonctionnaires et le Recours pour excès de Pouvoir* (Paris,

of the present century, the supreme administrative court had scarcely touched the relationship of State and fonctionnaires. Only specially privileged categories, like army officers, were then permitted to entertain actions against "irregular" appointments. It was not until 1903 that such *recours* were admitted from civil servants generally. During the next ten years, the court steadily strengthened the position of the fonctionnaire by allowing him to appeal for the annulment of any act in which he had a personal, though not necessarily direct, interest. It was sufficient if he was a member of the service to which an alleged "irregular" appointment had been made, or in which promotion affecting his status in the service had been ordered. His "corporative interest" was enough to give him the right to resort to the court in defense of himself or his immediate colleagues; he need not even have any direct, pecuniary interest in the case. By the application of this judicial liberalism, many irregular appointments were set aside by the Council of State; promotions violating either the letter or the spirit of decree-regulations were annulled, and illegal transfers of personnel from one post to another in the same service were countermanded. If pecuniary injury was suffered as a result of these acts in "excess of power," the affected employees had a claim for damages.³⁰ If practicable, the fonctionnaire illegally passed over in re-assignment or promotion was given the post in question, with retroactive rank and salary.

For a time—from 1908 to about 1917—the Council of State went so far as to allow staff associations to bring complaints against official acts affecting any of their members. The latter year may be taken as a turning point toward a more restrictive attitude. In the alleged interest of "discipline," the administrative tribunal has refused since then to entertain complaints brought by staff groups unless the act or order

1928). The standard treatises on French administrative law by Berthélemy, Jèze, and Hauriou all deal more or less with the protection received by fonctionnaires from the jurisprudence of the Council of State.

³⁰ Cf. Frenoy, pp. 34-35.

being attacked is of such a positive, general character as to affect the status of the entire group of employees belonging to the association. The latter may intervene in behalf of individual members, but they must personally attack the legality of the act of which they claim to be the victims. Furthermore, their interest must now be direct and immediate; a mere "moral" concern is, in the eyes of the court, no longer sufficient. Stated more specifically, a fonctionnaire "can attack an appointment, a promotion, or a transfer only if the act affects him personally and prejudices his career."³¹ If, for instance, it is a promotion he is attacking, he must belong not only to the same administrative unit, but to the same grade as that to which his fellow employee has been advanced, or to an inferior grade; otherwise, according to the jurisprudence now prevailing, the plaintiff's own career could hardly be prejudiced by the act.³² The director of an elementary school, said the Council of State in a decision handed down in 1918, could not attack the nomination of a director of a similar school in a neighboring town.³³ But three years later the court admitted a *recours* from "the fonctionnaires composing a certain ministerial bureau" against "the illegal detachment of one of their colleagues in the bureau, seeing that this detachment, which clearly violated regulations, reduced the number of employees collaborating with the plaintiffs in the same service."³⁴

Despite this tightening of the Council of State's attitude since 1917, the scope of the judicial sanction of the status of personnel remains very broad indeed. In general, it extends to two categories of acts: One of these, to which we have already referred in this discussion, covers all the operations attendant upon recruitment (examinations, candidatures, preferences to war veterans, appointments, and the like), assignment, and promotion, in so far, of course, as they are regulated by law or ordinance. This category is obviously larger and more important than the second, which has to do with the discipline

³¹ Alibert, p. 112.

³² *Ibid.*, pp. 119-121.

³³ *Arrêt* of 22 March, 1918.

³⁴ *Arrêt* of 29 July, 1921.

and civic rights of state employees. The first group of acts is concerned with the application of the merit system; the second, with the problems of authority and morale in the public service. The latter group of acts may be well illustrated at this juncture by a recent case involving the brusque retirement in 1924 of a district director in the Division of Indirect Taxation of the Ministry of Finance. This man was retired because he had presided over a meeting of upper-grade treasury officers protesting against the "insufficiency" of certain salary increases. The Government, that is, made him an example in its efforts to show its determination to maintain "order" in the State services. In a decision pronounced four years later, the Council of State held that although the plaintiff had reached the age where he might legally be retired with pension on a seniority basis, the conditions under which he was retired made the act, in effect, "a disciplinary measure," which could not be legally imposed without communicating to the accused his *dossier* and allowing him a hearing before the appropriate disciplinary council. Hence, the retirement was annulled as *ultra vires*.³⁵ Numerous other instances like this might be cited where the Council of State has interposed its judicial veto against the illegal dismissal of subordinate employees because of syndicalist activity and participation in political meetings and demonstrations.³⁶

In attempting to evaluate the efficacy of the judicial sanction for the rules and regulations that have been established by ordinance during the last thirty years, it may be said that the *recours pour excès de pouvoir* affords a cheap, simple method by which the status of public employees is effectively protected against the more flagrant forms of favoritism and

³⁵ *La Tribune du Fonctionnaire*, 21 Jan., 1928.

³⁶ The files of *Les Cahiers de la Ligue des Droits de l'Homme*, which I examined for the period 1920-1927, are full of examples where the *Ligue* has intervened in behalf of state employees victims of dismissal or transfer for political reasons. In many of the cases recourse to the Council of State had not been resorted to; in others, its decision had not yet been handed down. Cf. Alibert, *op. cit.*, *passim*, for comments on some of these cases.

political persecution that once honeycombed the French civil service. The process, however, is admittedly a slow one. Since the war, especially, have the dockets of the Council of State become badly congested. It has from 4,000 to 7,000 cases a year to handle, of which over 1,500 are *recours pour excès de pouvoir*.³⁷ As in the case cited in the preceding paragraph, years sometimes pass before complaints carried to the high administrative court are finally disposed of. A striking example of excessive delay occurred in 1927, when the appointment of M. Roland Marcel as general director of the *Bibliothèque nationale* was annulled by the Council of State four years after he assumed the duties of that important post. It was here decided that the Government had violated an ordinance of 1846 providing that one out of every three vacancies on the staff of the national library should be reserved to persons holding the diploma of *archiviste paléographe*. M. Marcel did not possess this degree. He had done such excellent work in reorganizing the administration of the library, however, that immediately after the Council of State's *arrêt* the Government proceeded to modify the old ordinance and reappoint M. Marcel.³⁸

While in this particular instance the Government's action was probably justified in the interest of administrative efficiency, the case shows a congenital weakness in the sanction

³⁷ Cf. J. W. Garner, "French Administrative Law," *Yale Law Journal*, April, 1924. M. Alibert, who sat for 15 years as a *maître des requêtes* on the court, pointed out to me that most of the complaints from state employees come from subordinate employees in the field establishments, e. g. *secrétaires de mairie*, postmen, local inspectors, and *instituteurs*. From the central services, where direct pressure upon administrative "higher-ups" is more effective, only a few cases a year reach the Council of State. There is considerable agitation in France for expediting the latter's procedure by increasing its staff and specializing even more than now its methods of dealing with different types of cases. Cf. especially A. Thiers, *Administrateurs et Administrés* (Paris, 1919), pp. 243-264. A slight step in this direction was taken by the provisions of art. 141 of the budget act of 16 Apr., 1930, increasing the personnel of the court and strengthening its "administrative sections."

³⁸ This case caused wide comment in the Paris press at the time. Jèze, *Cours de Droit public* (Paris, 1927), pp. 176-177, presents an interesting discussion of the issues involved in it.

for judicial decisions annulling acts found to have violated some statute or ordinance. I refer again to the ease with which such decisions are occasionally circumvented by the abrogation or modification of existing decrees through the issuance of a new decree, with or without consulting the Council of State about it. This is a danger that seems to be diminishing as administrative jurisprudence develops a high esteem for itself, but it is still possible for a partisan-minded minister to make loop-holes for his political friends and relatives if he is bent on doing so. The high administrative tribunal has repeatedly refused to *order* the Government to take positive steps to carry out the former's decisions. What it does is merely to remand the interested party to the proper *chef de service*, and if the latter refuses to apply the decision of the court, the only recourse is to lodge a new complaint, which would result, other things being equal, in a new annulment.³⁹ But this, of course, is a ridiculously devious procedure.

It is inevitable that the action of the Council of State should be mainly *ex post facto*. It does not intervene until a specific complaint is before it. Its decisions correct illegalities after they are committed. It operates to prevent them only when, in its capacity as advisory council to the Government, it can prevail upon the latter to frame regulations in such a way as not to conflict with the spirit, broadly considered, of the merit system. More and more, especially since the war, the Government seems to be inclined wholeheartedly to accept the collaboration of the Council of State in the exercise of rule-making power relating to personnel.

It is in a double sense, therefore, that the Council of State may perhaps be regarded as "the saving grace" of the French administrative system. It has exerted an extraordinary influence over the development of this curious piecemeal personnel code—an influence that has been both unifying and stabilizing.

³⁹ Jèze, "*Contrôle juridictionnel de Nominations et de Promotion d'avancement des Fonctionnaires publics*," *Revue du Droit public*, Jan.-Feb.-March, 1928.

Failing its sanction, inadequate as it may be in certain instances, the régime of decrees would be but a fragile thing as easy to topple over as a house of cards. But with this sanction, coming as it does from a court enjoying even higher esteem in France than the Supreme Court enjoys in the United States, the public services now have substantial protection from the abuses of spoils politics and are making headway against the more subtle evils arising from petty intrigue and official arbitrariness. Thanks to the rôle of the supreme administrative tribunal, one may almost say that a general *statut des fonctionnaires* has been realized without the enactment of any comprehensive statute. There is a constant *rapprochement* of the different ministries in regard to the organic ordinances by which their personnel is governed. The gaps in statutory reform are steadily being filled up by departmental rules that have the force of law. To be sure, these rules need to be simplified as to form and legal arrangement. Yet one is not certain whether this simplification will not be easier to obtain by the interaction of personnel offices, staff associations, and Council of State than by formal parliamentary action. Efforts by the latter route seem destined to arouse conflicting passions in the domain of doctrine, while the former process, albeit more disjointed and less symmetrical, moves cautiously but more surely forward piece by piece toward the ultimate goal of a complete personnel code.

CHAPTER IV

THE BACKGROUND OF RECRUITMENT

"On gouverne avec un parti; on administre avec des capacités."

—GAMBETTA.

A. THE PASSING OF PATRONAGE

In the American sense, it cannot be said that French public administration has ever been dominated by "spoils politics." A multi-party system, making inevitable coalitionism in the executive, does not lend itself to wholesale purgings of the administrative stables at periodic intervals. For one thing, general elections in France seldom mean a general overturn in the control of the Government; for another, cabinet changes between elections are only partial in so far as the party complexion of the Government is concerned. There is usually but a slight shift to the Right or to the Left. Yet, "so long as no single party dominates the Chamber it is necessary to buy the support of groups numerous enough to constitute a majority, and patronage is the obvious means to that end."¹ But in France this patronage has not been something controlled and distributed by a single national party organization. It has rather been a process whereby deputies and senators in the good graces of the governing coalition might secure governmental posts for political associates, personal friends, and relatives, such favors being granted by ministers or prefects as a reward for the continued support of such members in Parliament.

The historic origin of French administrative patronage dates

¹ Harold J. Laski, *Authority in the Modern State* (New Haven, 1917), p. 370.

from the early nineteenth century. Under the *Ancien Régime* nearly all the servants of the State had been nobles. Public offices were passed from noble to noble as if they were private patrimonies. Many official positions were filled by what amounted to hereditary succession. This practice the Constituent Assembly tried to abolish by various laws enacted in 1791-1792.² But the State bureaucracy continued to be staffed with "reactionaries"—at any rate in large part—throughout the Revolutionary and Napoleonic periods. During the earlier part of the 19th century the only way in which republicans or radicals could penetrate the State services was through the intervention of their deputies. The latter would often intercede in the interest of their electors against the bureaucratic abuses of the old officials. As late as the Second Empire, however, admission to the administrative entourage of the Emperor depended mainly upon the latter's personal caprice.³ It was only gradually that a new "republican" administrative machine emerged after the fall of Louis Napoleon. Then it was the turn of the Church to resort to similar tactics in an attempt to keep radicals and anti-clericals (to Church officials the two terms were virtually synonymous!) out of the public services. Not infrequently the recommendation of a bishop counted in certain sections of the country for more than that of a deputy.

In the nineties came the Dreyfus affair. A rude shock to all good French republicans, it let loose a paroxysm of rage against the spirit of caste that seemingly allied army with Church. To combat clericalism, French free-masonry organized a subtle system of secret espionage to inform the authorities about the religious as well as the political opinions and activities of civil and military candidates for admission to, or promotion in, the public services. To secure his overdue promotion, a certain Catholic professor had not only to renounce

² Berthélemy, *Traité de Droit administratif* (11th ed., Paris, 1926), p. 72, note 2.

³ Salatin, p. 15.

his participation in a clerical manifestation, but attempt to wreck it. State engineers with political views differing from those entertained by the prefects in the *départements* where the former were stationed found they were being passed over when higher posts were filled. The political struggle grew so bitter that successive republican and radical ministers openly expressed the belief that every fonctionnaire owed a political loyalty to the Government which should be affirmed by his acts. His advancement, that is, must depend upon his political attitudes and deeds. As a ministerial circular issued by M. Combes naïvely expressed it, the Government's policy should be "Justice for all, favors to its friends."⁴ The insidious practice of demanding *certificats de civisme* even of technical officials was invoked by the radical Governments that ruled France during the first decade of the present century.⁵

The single-member district system of electing deputies, or *scrutin d'arrondissement*, in effect from 1889 to 1919, facilitated political interference in appointments and promotions from the side of Parliament.⁶ According to eminent students of the situation, the so-called "official candidature" was a direct consequence of this mode of popular election.⁷ It made for what the French call "deputantism,"—a pronounced tendency on the part of the mass of legislators to act as intermediaries between their constituents and the Administration. Even after the official candidature had died out toward the end of the last century the Administration, under cover, still used its influence to secure the election of *ses amis*. Once elected, deputies, and to a somewhat less degree senators, claimed their reward. Even if not politically friendly to the Government of the day, they could exact favors for their protégés on the threat of posing on the floor of Parliament annoying questions. Not infrequently, certain deputies had

⁴ Quoted in Georgin, p. 234.

⁵ *Ibid.*, p. 245.

⁶ This is one of the main arguments invoked against the system by jurists like Duguit.

⁷ In conversation with the writer, M. Alexandre Lefas strongly emphasized this relationship.

"spies" appointed to administrative "listening posts," from which the latter would report to the former every little defect or irregularity susceptible of being used to embarrass the minister.⁸

If it be remembered that there is perhaps nothing so congenital to the French temperament than to intrigue for power, one will not be surprised at the amazing ramifications of this process; and, as French parliamentarism worked, it was an easy step to make the deputy of to-day the minister of to-morrow. "Every deputy, every senator," writes in sprightly fashion a distinguished French journalist, describing the *mœurs* of deputationism, "had his *bureau* and his secretaries and kept up an endless correspondence with ministers, with both public and private administrative enterprises, with prefectures and *mairies*, with political committees and voters."⁹ If there was some one to whom he owed a political obligation, but who was "good for nothing else, he would place him in a governmental bureau. Thus the ministerial staffs were invaded by members of *cabinets des ministres* and protégés of *parlementaires*. Attractive appointments and promotions fell to the lot of those who knew how to pull the proper strings; to defend themselves, career men had to bestir themselves in similar manner. Among the latter, even, the individual really respected, feared, or admired was not he who was capable and industrious so much as he who sought outside intervention, who courted the influential and rendered to them personal services,—the creature, that is, who had learned how to practice the art of pulling chestnuts from the fire."¹⁰

Even if we discount this as a facile and slightly ironical generalization from the pen of a journalist, an examination of the sober facts leaves one with little doubt that this game of favoritism and intrigue was played by most of the politicians of the Third Republic before the war.¹¹ As late as 1916, M.

⁸ M. Berthélemy stressed the ramifications of this practice to the writer.

⁹ Justin, p. 19.

¹⁰ *Ibid.*, p. 28.

¹¹ Cf. Lefas, *op. cit.*, pp. 69-72, for specific instances.

Clemenceau, then out of power, bitterly indicted the game which he himself had played as minister ten years earlier: "*Les relations, dans le régime du jour, voilà la grande affaire.*"¹² Two years later, M. Barthélemy, in his masterful analysis of *Le Problème de la Compétence dans la Démocratie moderne*, tells us how the institution of the minister's personal cabinet had tended to become, "in the heyday of democracy, a nursery for the privileged, a hothouse for the premature blossoming of young statesmen."¹³ Doubtless many of these ministerial favorites, as, for instance, Gabriel Hanotaux, were young men of merit; but there was no general guarantee of quality. As a result of the perquisites and special rewards which membership in a minister's personal entourage was generally supposed to imply, there was always an excess of aspirants for such posts. Not all of them, certainly, were of a youthful élite, and it is doubtful if some could ever have reached permanent upper-grade posts in the public service by competitive selection. Worst of all, as the *fonctionnaires de carrière* viewed it, these political appointees of the minister always had his ear; they occupied strategic positions in the departmental hierarchy; and they often had it in their power to make or unmake the career of those who aspired to climb the ladder of merit. When the minister's day in office was over, he usually saw to it that his young *attachés de cabinet* were well provided for: some became councillors of prefecture; others, *chefs de service*; still others, sub-prefects or even prefects. In pre-war days, it was commonly believed that a short path to prefectorial appointments carrying with them the assurance of an attractive life-time position was by way of the minister's personal cabinet. With the ebb and flow of the political tides, prefects might be transferred or promoted, but few were ever subjected to the extreme "cruelty" of dismissal! The ideal of the prefect was apparently to end his days in some departmental directorship, or in the Council of State, or

¹² In his own newspaper, *L'Homme Enchaîné*, 15 Dec., 1916.

¹³ P. 238.

as an ambassador, and not a few of the especially favored saw their ideal realized.¹⁴

Until fifteen years or so ago, the ramifications of political favoritism reached down to every town and village in France. Deputies and senators flooded governmental departments with letters recommending sons, nephews, and political supporters. In many ministries certain employees had to be assigned the exclusive and laborious task of answering communications from members of Parliament. A form letter was prepared for the latter to use in recommending their friends to the attention of the minister.¹⁵ Every deputy liked to be able to show to his constituents the results of his benevolent intervention. A communication from *Monsieur le Ministre*, written on the official departmental letterhead and couched in "oily" administrative language, was enough to convince most of the supplicants that the realization of their hopes was due primarily to the valiant efforts of their deputy in their behalf; or if their fate was disappointment, *Monsieur le Député* had at least done his best for them, but to no avail. In describing how wide-spread was the naïve popular faith in the efficacy of deputantism, M. Favareille writes: ¹⁶

"Was not the *receveur-buraliste* of the village publicly chosen by the deputy? Has not the neighbor's daughter who recently received her diploma a letter in which it is written that the diploma was due to the deputy and not to the grade made on her examination? Was not the fountain in the public square given by the minister or the deputy? Is not the tramway that passes along the highway the result of the deputy's efforts? . . . Thus more and more, from the road-mender up to the councillor on the Court of Cassation, this practice of supplicating favors has come to obsess every brain, and mendacity has invaded the Republic. . . . We have returned to the old system of *commendatio* and recourse to patronage as in the time of Roman dis-organization."

¹⁴ *Ibid.*, p. 241.

¹⁵ This practice was called to my attention by M. André Siegfried, whose father frequently resorted to it while a member of Parliament.

¹⁶ *La Réforme administrative* (Paris, 1919), p. 15.

With the establishment of a piecemeal personnel code by special statute and decree, much of this sort of patronage has *per force* given way to a régime of recruitment by merit. Here and there deputies still coerce prefects into appointing postmen and elementary school teachers whom the former recommend; and the minister's "personal" cabinet, it is true, remains a loop-hole through which political favorites sometimes gain high places without winning them competitively. But to-day it may be said that up to the rank of departmental directors, prefects, and ambassadors, entry into the public services, in both central and field establishments, lies normally along the path of competitive merit. Yet the old game of recommending one's friends to the attention of the minister or prefect goes merrily on. It has become a veritable comedy—*une manière de faire!*¹⁷ Thousands of letters continue to pour in to the administrative authorities; deputies and senators still go through the farce of sending missives and receiving the minister's answers to them. But because of the strict regulations, these interventions only rarely affect the appointment or advancement of civil servants in lower and middle-grade positions. A minister will sit at his desk with a packet of letters from fifty members of Parliament. "Coldly, cynically he will dictate to his secretary and sign forty-seven or forty-eight polite lies which, spreading like a pathological microbe from him to the deputy, from the deputy to the mayor, from the mayor to the voter, run throughout the country and poison whatever faith may be left in justice, regularity, and order. To the deceived he will write:

¹⁷ M. Berthélemy tells the story of how, when he was professor at the University of Lyons, the Premier, formerly his colleague at Lyons, informed Berthélemy that various relatives of students about to take entrance examinations for the University had asked the Premier to intervene in their behalf. Realizing the impropriety of such requests, the Premier suggested that Berthélemy reply to each letter received from the head of the Government stating, "*Je suis heureux d'annoncer,*" or, in case of failure, "*Je regrette d'annoncer,*" and so on in matter of fact fashion. These replies would serve to satisfy the solicitous relatives that the Premier had been zealous in their cause!

'Mon cher député, je n'ai pu à mon grand regret seconder le bienveillant intérêt que vous portez à M. X. . . . , mais croyez bien que j'ai pris bonne note de votre intervention et que je ne manquerai pas dès que l'occasion s'en présentera de vous donner satisfaction.'

To the satisfied, to those who have just been appointed as the result of an honest examination, or to those to whom a subvention or allocation has just been accorded in accordance with legal regulations, he will write:

'Mon cher député, je m'empresse de vous annoncer que M. X. . . . , vient d'être nommé. . . . Je suis heureux d'avoir pu ainsi seconder le bienveillant intérêt que vous lui portez.'"¹⁸

In this fashion both the disappointed and the satisfied have renewed faith in the power of the parliamentary pen and an unshakable conviction that their sovereign representative remains devoted to their interests. Paper and ink have been wasted, the amusing game goes on, but its effect is negligible.

The last generation may be regarded as a period of transition from a régime of political patronage to a régime of recruitment by merit.¹⁹ Where parliamentary intervention still counts for something is in the domain of promotion and assignment, although even there its effect is declining. One hears conflicting views about its extent from competent French observers themselves. I recall how a prominent member of the Council of State began by declaring that on account of the weak position of the coalition cabinet, which must always protect its majority, deputationism was as rampant as ever; that the postal workers and school teachers were still, as it were, the faithful *valets et domestiques du député*; that a minister was not free to select men of the highest merit. As the interview progressed, however, my informer repeatedly called attention to the "glorious" work of the Council of State in protecting the edifice of *règlements d'administration pub-*

¹⁸ Favareille, *op. cit.*, pp. 17-18.

¹⁹ It is significant that even in a ministry as "politically minded" as that of the Interior the principle of competitive recruitment was adopted in 1927 for sub-prefects and prefectorial secretaries-general.

lique throughout the State services, and ended by proudly pronouncing that nowadays, if a decree is modified by a minister so as to injure the interests of a fonctionnaire, the Council of State as a court will overrule the Council of State as an administrative agency; that is to say, its judicial decision in a *recours pour excès de pouvoir* will take precedence over any advisory opinion it may have rendered when the decree was made. By the time the interview closed I was more impressed by the advance of the merit idea in French public administration than by the eminent councillor's introductory remarks about the deplorable degree of political interference that still honeycombs it.

More significant still is the testimony emanating from the syndicalist leaders themselves. From M. Charles Laurent, for twenty years the Secretary-General and guiding figure in the *Fédération des Syndicats de Fonctionnaires*, came these striking words: "To-day there is little or no favoritism in the civil service because of the achievements of the *syndicats* in securing a *statut réglementaire*. When a deputy writes to a minister calling his attention to a certain fonctionnaire, the latter replies that he will submit the case to the appropriate chief and see that justice is done. The deputy replies to the fonctionnaire (or voter, if the letter comes from a private citizen), who concludes that the minister has succeeded in getting something done. Everybody is satisfied."²⁰ M. Laurent's view was corroborated by all the other militant leaders of the organized civil servants to whom the question was put except one or two extremists from the communist camp, and they, of course, would not admit that anything good could come out of the administration of "a bourgeois State."

Nearly all departmental regulations adopted since the war contain a provision prohibiting the insertion of letters of recommendation in the *dossier* of a State employee.²¹ While

²⁰ Interview granted to the writer, 9 April, 1927.

²¹ Cf. A. Thiers, *En Présence des Problèmes nouveaux* (Paris 1928), p. 122.

such a rule is obviously difficult to enforce in spirit, if not literally, one is inclined to believe that outside influences determine the selection and advancement of comparatively few public officials below the top rungs of the administrative ladder. As we shall increasingly perceive, the French public service is tending to become a "closed" preserve (perhaps too rigidly so!) from which the dismissal, for political reasons, of one who has once entered it is almost impossible. In our study, we shall be concerned less with the superficial vestiges of patronage than with the efficacy of French personnel policies in discovering initially and recognizing after entry the aptitudes essential to the making of successful public administrators.²²

B. THE CHANGING AREA OF SELECTION

The transition from patronage to open competition during the last thirty years has been paralleled by an equally significant change in the sources of recruitment for public employment. As has already been suggested, the dominant urge that led most young Frenchmen to seek careers in government offices before the war was a desire for the calm bourgeois security they seemed to offer. Stability of tenure and a sure, if modest, provision for old age satisfied the French youth of the nineteenth century. He was not then interested in the possibility of making, American-wise, a fortune in a few years; rather it was his hope to live a respectable, socially esteemed life in his own *milieu*. In those days the public service carried high prestige; no profession or occupation enjoyed a better social rating.²³ The fact that so many State posts were by tra-

²² There is, of course, a considerable area at the summit of the administrative hierarchy where political appointment still holds sway, but, as we shall see later, most of the posts thereby filled involve responsibility for determining high State policy. Such, for example, is especially true of ambassadors and colonial governors and somewhat less so for prefects and divisional directors.

²³ Cf. Thiers, *op. cit.*, p. 117: "The son of a family under the *ancien régime* dreamt of becoming a '*commis de roy*,' just as a hundred years

dition "honorary" appointments bears eloquent witness to the esteem in which public employment at the middle and upper-grade levels was held. Magistrates and military officers, prefects and ambassadors, inspectors of finance and state engineers, departmental directors and bureau chiefs; even *rédacteurs* and lowly copyists—all these were valued more highly than comparable employments in private life. French literature is filled with tales of heart-ache over failure to pass the *concours* that would open the magic door to the title of *fonctionnaire*, and not a little of the incessant intrigue resorted to by family and friends in their efforts to "salvage" the defeated aspirant.²⁴

This situation, however, was already beginning to change as the present century opened. Formerly, the public service had been recruited almost entirely from aristocratic and bourgeois circles. One found few sons of shopkeepers and peasants wearing the uniform or insignia of public officials. Most of the full-time civil servants came from families that at least touched the *rentier* class, if they were not squarely inside it. Geographically, recruitment was heaviest from Southern France, where industrial development lagged. It was more common than not for a young man entering upon a government career to possess an independent income of appreciable proportions. There would usually be enough, at any rate, to supplement his official salary so as to cause him no worries about establishing a family in the approved thrifty, "birth-controlled" French manner. But by the dawn of the present century the cost of living had mounted so much higher than the Third Republic's official salary range that the *fonctionnaire's* bourgeois *rentes* frequently became inadequate to bridge the chasm between official and private scales of remuneration. Furthermore, opportunities in the field of business and the private professions were becoming more and more

later his great-grandson had the ambition of wearing the oak-leaved *képi* of a sub-prefect."

²⁴ In the works of Taine, Balzac, and others.

attractive to ambitious young men. The latter, too, seemed to become infected—at any rate many of them—with the virus of commercialism. “More and more,” wrote M. Lefas in 1912, “certain advantages which formerly attracted men to State employment are losing favor; namely, the value that used to attach to certain honorary positions, rank, title or decoration; also, the matter of old age retirement pensions, since the practice of insurance against old age is now general and accessible to every one.”²⁵

As early as 1910, government personnel officers were lamenting the ominous falling off in the supply of candidates for posts which were formerly in great demand. Instance after instance might be cited in proof of this alarming state of affairs.²⁶ From the Foreign Office to the postal administration came the plaint that vacancies could not be filled without appreciably lowering the entrance standards traditionally set for them. The youth of France was even then showing some signs of that restlessness which was to shake the generation following the struggle of 1914-1918. The bourgeois sources from which governmental recruitment normally sprang were tending to be engulfed in the wave of “democratization” that swept over political and social institutions everywhere in western Europe in 1900. Sons of *le peuple* began to see in the public services an opportunity to push upward a social niche or two. Here and there among applicants for intermediate posts appeared young men from families whose heads belonged either to the industrial proletariat or to the peasantry. Due to the gradual spread of educational scholarships by grants from State funds, a limited number of the more talented children of factory workers and *concierges*, of small farmers and agricultural laborers, might aspire to careers calling for a secondary education as a pre-requisite. Government posts that had once been the exclusive preserve of the *upper* bourgeoisie began to

²⁵ *Op. cit.*, p. 60.

²⁶ Cf. the writer's article, “The Political Bureaucracy of France since the War,” *Amer. Pol. Sci. Rev.*, May, 1928.

be filled increasingly from the *middle* and *lower* bourgeoisie.

The war greatly accentuated this evolution. What had in 1910 been, in the French vernacular, a mild *crise*, became by 1926 a *véritable crise*. Before the war, the father might say to his son, "If you don't work hard at your studies, you will be good only for business"; to-day, he tends to reverse his admonition: "If you are not studious you will have to resign yourself to becoming a fonctionnaire!"²⁷ The result has been that in recent years entrance examinations have been "deserted" by the wholesale. At least three reasons may be assigned for this extraordinary state of affairs: (1) the depreciation of the franc to one-fifth its pre-war value, together with the failure of the government to adjust salaries upward to keep pace therewith; (2) the corresponding loss of income from *rentes*, forcing thousands of civil servants to live almost entirely from their meagre official salaries; and (3) the decided post-war increase in French per capita wealth, with living standards for the commercial and industrial classes which would be relatively higher even if governmental salaries had retained their 1914 purchasing power. What has been taking place is a quasi-revolution in the internal economic and sociological texture of the French nation,—a revolution hitting worst of all the old bourgeoisie.

The new generation of students after the war found themselves completely disillusioned about the "glory and honor" of spending all one's life behind a government desk at a rate of pay which seemed to them ridiculously inadequate to the amenities of *la vie modernisée*. Returned from the trenches, they were seized with a spirit of freedom and initiative that reacted in terms of an urge to recoup the economic losses of the war over night. Life, after all, was short. The old social categories seemed to be breaking up. Fortunes had been made in a few months by those behind the lines. High taxes and currency inflation gave one cause to wonder whether anything

²⁷ Thiers, *op. cit.*, p. 121.

was stable. These youth felt that they must make hay while the sun shone, and that they must do it by their own immediate efforts. They could not afford to wait long years for infrequent promotions which at best promised a livelihood wholly out of proportion to the levels they might hope for in following industrial, financial, or journalistic careers.²⁸ At a time when, in 1927, the maximum basic remuneration for the highest-ranking permanent State officials was 80,000 francs, it was not uncommon for the big banks and insurance companies to pay from 200,000 to 300,000 francs to men on their directing staffs.

How difficult it was for the State to win against such competition from *la grande industrie* may be seen from an instance related by the Secretary of the *Syndicat des Professeurs de Lycées*. An *agrégé* (holder of the highest pedagogical certificate in the French educational system), although without any technical knowledge of finance, was offered an attractive position in a large bank at the salary several times higher than the maximum for *lycée* teachers. What the bank wanted was a man of high culture—a man with ideas and imagination; the necessary technical knowledge he could easily learn. The sequel was that the State lost to the banking world a teacher of brilliant promise whose vacancy could not be filled for a long time, if at all.²⁹ Only by postponing the age of retiring the older men in secondary education has the government been able to keep its teaching staffs reasonably well manned since the war.³⁰

²⁸ Cf. Marlio, "*L'Écroule des Fonctionnaires*," in the *Revue des Deux Mondes*, 15 Sept., 1927.

²⁹ The secretary to the Director of Secondary Education called the writer's attention to the ominously increasing percentage of *agrégés* that were being lured into commercial and journalistic employment.

³⁰ "The crisis of recruitment is complete. Independently of the insufficiency of the recruitment of *agrégés*, around 300 posts have remained vacant in boys' *lycées* since the war, and the service of instruction has been maintained only by assigning supplementary class hours to the under-manned instructional staffs." (Extract from an official report on secondary education quoted in *L'Europe nouvelle*, 26 March, 1927.) In 1926 the Director admitted that if all the *professeurs de lycée* then

Other examples of this tendency are legion. Two-thirds of the young technicians graduating from the *Ecole Polytechnique*, the great State engineering school, are now going elsewhere than into State service. Those who do enter the Ministry of Public Works stay hardly four or five years until they are lured away by attractive offers from industrial concerns.³¹ Candidates for posts in the colonial service have alarmingly diminished during the last few years: those naturally attracted to adventure overseas prefer to attach themselves to big private exporting and importing houses.³² In the Ministry of Labor, where it was customary before the war for as many as 150 applicants to take each examination given to fill four or five vacancies, there were in 1927 only 30 candidates.³³ During the four years immediately preceding the war, 321 candidates tried out for clerkships in the division of indirect taxes of the Ministry of Finance; during 1923-1926, only 121 took the examination.³⁴ In the P. T. T., the ratio of applicants to appointments fell by one-half in thirteen years. Applicants for executive and clerical posts in the customs service fell from 153 in 1913 for 31 vacancies, to 45 in 1926 for 37 vacancies.³⁵ So the comparison might continue for numerous other branches of the administrative services.

It is only in the *subaltern* field staffs of the postal, educational, and similar establishments that recruitment has remained easy. Here the old desire for stability of employment, with the prospect of an old age pension, is still strong among the un-ambitious who do not feel drawn toward any particular ready to be retired had actually been so, 400 *agrégés* would have been lacking! (As reported to the writer by an *agrégé* of long and distinguished service.)

³¹ Interview with M. Colson, Vice-President of the Council of State and former graduate of the *Ecole polytechnique*. Cf. also C. J. H. Hayes, *France: A Nation of Patriots* (New York, 1930), p. 80.

³² Information obtained from M. Bastide, a member of the staff of the State-supported *Ecole coloniale*.

³³ Data presented to the writer by the Personnel Office of the Ministry of Labor.

³⁴ *L'Europe nouvelle*, 26 March, 1927.

³⁵ Reply to a questionnaire submitted by the writer to the headquarters of the Division of Customs.

vocation. As one goes up the hierarchical scale, however, it may safely be postulated that recruits for the civil service are being drawn in steadily increasing numbers from lower social strata than a generation ago. Surprisingly enough, this generalization will hold even for the "gilded" ranks of French diplomacy, where emphasis upon classic culture and *savoir faire* has been traditionally notorious. More and more, according to the testimony of none other than the Director of Personnel at the Quai d'Orsay, are the sons of gendarmes and elementary school teachers presenting themselves for the foreign service. Not a few have been accepted for such posts, although the majority of successful applicants still come, of course, from *la bonne bourgeoisie*, as "toned up" by a substantial sprinkling of "aristocrats."³⁶

For the most part, then, the dominant motivation of those nowadays seeking entry into the service of the State is more strongly than ever a desire for security and steady, but not too strenuous, work. Moral considerations play to-day a less conspicuous rôle than formerly. Few are seriously moved by a concern for social esteem. As France moves forward in the direction of an "industrialization" of values, the prestige of serving the State tends proportionately to diminish. It is common to hear the term "*fonctionnaire*" treated with mild contempt. To the new leaders of the French business and professional world, it suggests small honor. Since any one—even a *marchand de beurre*!—can now manoeuvre so as to get an official decoration of some sort, the French weakness for personal insigna can be satisfied outside the ranks of the military and civil services. The result is that youth with ability and ambition are turning away from State employment in growing numbers.

So far as the routine aspects of this employment is concerned, one is not sure that a moderate deterioration in the quality of recruitment need greatly be mourned. For the maintenance of good administrative morale, "a certain mediocrity

³⁶ Interview, 27 June, 1927.

is," as M. Jèze has suggested, "desirable."³⁷ The presence of too many restless, inventive spirits in a government department inevitably causes an unnecessarily wide-spread prevalence of psychological mal-adjustment. Where the recent tendencies in recruitment give cause for greatest alarm lies in the difficulty of attracting and retaining a youthful *élite* for the responsible posts at the top of the administrative pyramid. Unless the government's salary policy is so changed as definitely to recognize that it must in some measure compete with a new social situation, the State will face the prospect of suffering, in the long run, the loss of men possessing the greatest potentialities as public administrators. Here, also, enters the importance of a more flexible promotion policy such as will give incentive to the exceptional man, for whom, as will be evident when we analyze promotion practices, there is all too scanty consideration at present.

C. UNDERMINING THE SEX BARRIER

The last fifteen years has witnessed two other important changes in the sources of recruitment for the French public services. One of these is to be found in the admission of large groups of women; the other, in the sweeping efforts made since the termination of the war to provide government jobs for ex-service men and their widows.

All over the western world there was until recently a marked reluctance to open administrative employment to women on the same terms as for men. In France the sex barrier was peculiarly strong. For a combination of reasons, among which the attitude of the Catholic Church is by no means the least important, woman suffrage is yet to be won. The French family system has traditionally militated against any wholesale entry of women into business or the liberal professions. The operation of a system of compulsory military service created doubt in some quarters whether women could

³⁷ *Cours de Droit public* (Paris, 1927), p. 123.

be appointed to government positions in direct competition with men without logically incurring an obligation to perform active service with the colors!

By the opening of the twentieth century, French women were just beginning to force their way into certain routine office jobs and elementary teaching. The number of feminine fonctionnaires, however, remained very small until the war. That catastrophe made the admission of large groups of women an absolute necessity if the major public services were to continue operation. Not only during the course of the conflict itself, but following its conclusion, the demand for women became insistent. The loss of 1,300,000 adult men as military casualties so seriously depleted the rank and file of male employees that almost no men were available for civil service entrance examinations over a period of five or six years. The war left in its wake thousands of widows and parentless girls who, in spite of strong family opposition, had to seek their own livelihood. The depreciation of incomes from *rentes*, referred to in the preceding section, made it necessary for the young daughter of the family to join her father, and often her mother as well, in contributing to the family budget. The general exodus from country to city already in progress before the war gathered momentum during the years immediately following it. This movement carried into the employment market a goodly number of women who saw in a regular job an effective means of insuring their emancipation from incessant parental surveillance. The fact, also, that women had at last won access to university degrees permitted them to train for administrative and educational posts hitherto regarded as man's exclusive preserve,—notably for university and *lycée* professorships and bureau headships. Finally, as women came to organize professionally, they gained a bargaining power that slowly helped to undermine the lingering opposition of French males to "equal rights for women" in industry."

Notwithstanding the cumulative effect of all these forces,

staff associations in the French public service have by no means received women into their fold with open arms. Not a few do admit woman to their membership on equal terms with men, the feminine gender being included in the public title of such organizations. True, also, is the fact that the *syndicats* "officially" demand equal treatment for men and women in respect to hours of work and remuneration. But *au fond*, as the clear-thinking Secretary General of the *Fédération des Fonctionnaires* expressed it, "the men prefer lower salaries for their feminine colleagues." Among subordinate employees, moreover, are thousands of men who were "war heroes." Being of French blood as well, they do not relish taking commands from *la femme!*³⁸ If the point of view of personnel officers be regarded as typical of officialdom in general, one may add that the latter looks upon any general employment of women with mild indifference, if not scepticism.³⁹ Nor is "equal pay for equal work" regardless of sex uniformly the policy of French government departments. In the post office, for instance, considerable numbers of women employees doing the same work as men receive considerably less pay; and several of the less important services practice a mild form of discrimination against the gentler sex.

Attempts to secure complete data on the number and distribution of women in State employment proved futile. Significant fragmentary samples may be cited, however, to show how the picture has changed since the war. Speaking generally, women are to be found in two types of government work. The first, where they are present in force, is both clerical and sedentary in character. Here by far the largest single group consists of clerks, stenographers, typists, and telephone operators in the P. T. T. From 13,000 in number in 1913, they had

³⁸ This was frankly admitted by an assistant bureau chief with whom the writer discussed the question at Treasury headquarters.

³⁹ British official policy relative to the employment of women is equally illiberal: No woman is permitted to supervise a man; women are on a lower salary status; and they must leave the public service upon marriage. Cf. M. Lambie, *British Civil Service Personnel Administration* (Washington, 1928), p. 454.

grown to an army of 35,000 by 1926, or about 25 per cent of the total personnel of the department. In most of the other central offices, stenographic and routine clerical duties are performed mainly by women whom the "crisis" in recruitment has not reached—largely, it may be remarked, because they are relatively well paid in terms of the general labor market for analogous work. In most instances, departmental regulations specifically reserve such categories of employment to women, who thereby alone become eligible to take the entrance examination for admission.⁴⁰

As laborers, women constitute from three-fourths to four-fifths of the personnel of the two largest State industrial enterprises. In 1922, their distribution of employees by sexes ran as follows: ⁴¹

STATE MONOPOLY	WOMEN	MEN	PERCENTAGE OF WOMEN
Tobacco	14,508	2,955	83
Matches	1,322	783	63

Here, however, the high proportion of women antedated the war by perhaps a generation.

As one ascends the administrative hierarchy, women grow fewer and fewer in number. In spite of the fact that the candidacy of women for chief clerkships (*rédacteurs*) has been, in principle, legally permissible for nearly twenty years, some departments, notably the Treasury, still refuse to appoint them to such posts. The Ministry of Labor has been more liberal than any other in welcoming women as *rédacteurs*. Since 1919, the Ministry of Commerce has likewise allowed women to compete equally with men for these positions, and in 1927 six out of forty-two holding this rank were women. Only in exceptional instances have women reached the grade of *deputy* bureau chief. So far as the writer could learn, no

⁴⁰ Such is the situation in the P. T. T. and revenue divisions of the Treasury.

⁴¹ M. Guillois, Report submitted to the International Congress of Public Administration (Paris, 1927). Later figures were unobtainable.

woman had up to 1928 held a post as high as that of bureau chief, while departmental directorships and inspectorships are definitely closed to her sex. As long as French women are legally excluded from the right to vote, high administrative posts will probably remain outside their domain, since as *commissaires de gouvernement* such officials often have occasion to sit on the floor of Parliament and there advise the ministers on technical questions. Nevertheless, that the old hostility to women in government offices is declining may be strikingly seen from the adoption in 1928 of a rule permitting them to compete for subordinate and intermediate posts in the French Foreign Office, one of the last outposts to hold out for a masculine monopoly. This innovation led *Le Temps* and other conservative Paris newspapers to predict the admission of women into the French diplomatic service in the near future.⁴²

It is not surprising that women have made perhaps the greatest inroads in the realm of primary and secondary education. Unlike the American, but like the British, the French teaching profession still contains more men than women. But among elementary school teachers the former now find themselves in a numerical minority. Out of approximately 120,000 of these teachers, 76,000, or 63 per cent, were women in 1925. Each year brings a decrease in the male and an increase in the female ranks. There are now as many as 3,500 women out of a total of 10,000 instructing in secondary schools in spite of the existence of stronger conservative traditions than in any other branch of the French educational system. In the *lycées*, however, co-education has not sufficiently progressed to allow women to swamp the pedagogical process as she has in American high schools. While feminine secondary school teachers have been admitted to the professional organization of *lycée* teachers, and recognized in its official name as well, a stubborn opposition to assimilating them into the association of

⁴² As reported by the *Manchester Guardian Weekly*. 24 February, 1928.

agregés (holders of the highest professional degree granted by the State) still remains.⁴³

The official attitude of the Ministry of Public Instruction toward the spread of women in State education interestingly reveals the clash between the traditional and the newer points of view. Its policy toward the employment of married teachers seems to an American exceedingly liberal. A woman's marital status in no way militates against her chances for appointment. No questions are asked. If she bears a child, she is entitled to leave of absence for one or two years either until the period of tender care of the child is over or she can make suitable provision for its care during school hours. The authorities hold that motherhood does really give the teacher a more sympathetic understanding of the psychology of teaching young children than is ordinarily possessed by the unmarried teacher.

At the same time complaint comes from the women that the Ministry has excluded them not only from positions in the central offices of the department, but from all inspectional posts as well. There is no one directly to represent them either in Parliament or in the Superior Council of Public Instruction.⁴⁴ Consequently, many of them justifiably feel that their sex is still in some sense discriminated against by the State in its educational function. The fact that women are now welcomed on a parity with men on the faculties of the State universities is hardly enough to obliterate this feeling.⁴⁵ In short, one doubts whether, until French women have gained full political equality with men, they will be likely to receive generally equal treatment from the State as an employer.⁴⁶ But the tide is steadily in that direction.

⁴³ Cf. *Le Temps*, 5 April, 1928.

⁴⁴ Cf. Brunschvicg, *Un Ministère de l'Éducation nationale* (Paris, 1922), p. 72.

⁴⁵ As late as 1927 there were, according to information furnished the writer by the Division of Higher Education, only two women of full professorial rank on all the university faculties of France, although thirty-eight held subordinate posts.

⁴⁶ As these lines were written, the Federation of Women Civil Serv-

D. PREFERENCE TO WAR VETERANS AND THEIR WIDOWS

In part, at least, the entrance of women into the subordinate branches of the public service has tended to offset the draining off of men by commercial pursuits since the war. On the other side of the picture stands the wholesale preference that Parliament has more and more insisted should be accorded to large groups of war veterans and their widows. In a country where military service has long been compulsory, it is not surprising that special inducements should have been given to those who re-enlist in the regular military establishment at the expiration of their period of service with the colors. As early as 1905, legislation was enacted reserving a certain proportion of subaltern posts in the civil service to non-commissioned officers and privates having completed from four to fifteen years in the military establishment. The only pre-requisite was to obtain the "certificate of professional aptitude" prescribed by the administrative authorities for each type of vacancy.⁴⁷

This legislation did not, of course, result in any general influx of poorly trained or innately mediocre men into State employment. The World War, however, gave rise to a sociological problem of the gravest sort. Of the adult citizenry of the country mobilized during the period 1914-1919, millions emerged from the conflict either temporarily or permanently disabled. All occupations and classes of French society had worn the uniform. After the Armistice, the Government faced a tremendous task: that of vocationally rehabilitating and finding work for these millions of war victims. Early in the course of the war the view obtained in parliamentary circles that the State would not be able to pension the permanently

ants in England was reported to have been pressing upon the MacDonald Government its pre-election pledge to remove the marriage bar, grant equal pay for both sexes, and open the foreign service to women. (*New York Times*, 7 July, 1929.)

⁴⁷ Cf. Jeze, *op. cit.*, p. 196.

disabled sufficiently to permit them to live and provide for dependents without other resources. The immediate result of this view was the passage of an act in 1916 extending the provisions of the 1905 law, during five years following the cessation of hostilities, to soldiers and sailors physically "rehabilitated" or pensioned by reason of wounds or infirmities incurred at the front. Industry and commerce, it was thought, could absorb those restored to the point of doing active work; but there were thousands of others whose invalidity would necessitate their engaging only in sedentary pursuits for the remainder of their lives. It was particularly in the interest of these unfortunate individuals that the act of 1916 was adopted. The preferences it accorded, moreover, were to be granted rather in proportion as family obligations were onerous than in proportion to the gravity of the disability.

As the number of war victims multiplied it soon became evident that the scope of the 1916 act was inadequate. In the first place, it covered only those who had received their disability at the front, leaving unprovided thousands of others who had become invalids by disease or accident behind the lines. Secondly, it was complained that a good many administrative officials had found ways and means of circumventing the law, by failing, for example, to inform veterans of vacancies legally reserved for them. After strong pressure from veterans' associations and labor groups, Parliament undertook to remedy the situation by a more inclusive act which reached the statute books early in 1923.⁴⁸ This act extended preferences to all veterans entitled to a military pension because of wounds or infirmities incurred in any way during the war. Certain categories of subaltern positions under the jurisdiction of the *départements* and communes, as well as of the central government, were to be "reserved" not only for these veterans themselves, but for their widows and orphans.

Administratively, the new law provided for the setting up of two kinds of commissions: one to determine the *physical*

⁴⁸ *Ibid.*, p. 197.

aptitudes of its beneficiaries, the other to discover their *professional* aptitudes. Once each year the several ministerial departments were to report to the Minister of War an estimate of the number of vacancies they expected to have in the "reserved" categories. After notification through the military establishment, all eligibles might present their preferences for the different posts available. Quarterly, the commissions named above were to classify all applicants according to merit after taking into account the duration of their military service. The vacancies were to be distributed as they occurred in the order of merit and, so far as possible, with the order of preference indicated by each candidate.

While the bill upon which this law was based was being debated in the Chamber of Deputies, its *rapporteur* estimated that at least 125,000 positions in the government services would be "reservable" to war victims under its terms.⁴⁹ In actual fact, the number of ex-service men that have been placed in state employment has by no means reached that figure, whether because the appointive authorities have, as it has been charged, deliberately discriminated against such candidates, or for other reasons, it would be hazardous to suggest. Suffice it to say that the proportion of *emplois réservés* does run high in those branches of the public services where large groups of men and women are employed to do manipulative work on the one hand and sedentary routine work on the other. While the exact proportions vary from department to department, the following list includes the more important groups:

CATEGORY OF EMPLOYMENT	PERCENTAGE "RESERVED"
Concierges	100 (nearly all depts.)
Copyists	100 (majority of depts.)
Ordinary clerks (<i>commis</i>)	75 (P.T.T. and certain others)
Women stenographers	75 (to war widows)
Doormen (<i>gardiens de bureau</i>)	80 (nearly all offices)
Rural mail carriers	75
Urban mail carriers	75
Brigadiers in customs service	100

⁴⁹ Cf. *Rapport sur les Emplois réservés aux Anciens Militaires*, in the *Journal Officiel* (Annexe, 1 August, 1926, p. 698).

These percentages represent maxima. Each departmental appointing authority has considerable discretion in setting the professional aptitude tests. If it is so minded, it may make it difficult for a good many applicants to benefit from special legislation passed in their favor. Yet it is obvious to any alert observer that hundreds of incompetent persons have thereby "squeezed" into life-time jobs with the government. Nearly every personnel officer complains that the efficiency of his subordinate staff has suffered from the influx of war veterans who could not have satisfied the normal entrance conditions. In the central establishment of the Ministry of Public Instruction, paradoxically enough, the example was cited of a clerk who had got his post as a war-*mutilé* without being able even to read!⁵⁰ While this is an extreme case, it is true, as M. Jèze observes, that "the procedure of reserving positions is in complete contradiction with the dominant ideas behind the recruitment of public fonctionnaires. . . . Its motive is a financial one: instead of attributing an adequate retirement of invalidity pension to an individual, the government gives him a job. Whatever precautions may be taken to prevent poor selections, the automatic rigidity of the system necessarily leads to choices that are always mediocre and often frankly bad."⁵¹ In not a few instances, moreover, the physical condition of ex-service men has necessitated assigning two men to the same task, e.g., that of *concierge*, and thereby swelling the size of the public pay roll. Since humanitarian considerations preclude demanding of the beneficiaries of these special laws the normal requirements called for by the nature of the post, the administration is not complete master of its own recruitment.

In the interest of improving the situation, what is frankly

⁵⁰ By the secretary of the Director of Secondary Education to the writer, 14 June, 1927.

⁵¹ *Op. cit.*, p. 133. The system, however, is claimed to have the effect of stimulating re-enlistments; and in the report cited above (p. 703), it was pointed out that the qualifying examinations which ex-service candidates are required to pass were becoming increasingly difficult.

needed is a careful objective survey of the cost to the French State of holding open places in the government service to ill-prepared ex-service men and their dependents, in comparison with the cost of increasing their military pensions sufficiently to enable them to live outside, and, also, of finding suitable work for as many of them as possible in private life. Not only has this not been done, but it is unlikely that it will be in view of the enormous electoral strength of the national veterans' associations.⁵² Fortunately, the need of better co-ordination between the Ministry of Pensions and the other administrative services in applying the *lois sur les emplois réservés* is recognized, so that improvement in that direction may be expected.

E. EDUCATIONAL PREPARATION

In the theoretical discussions of public personnel problems in western Europe, particularly in France, a distinction is made between the *préparation*, or training, of personnel prior to entry into the service, and their *formation*, or training subsequent to appointment.⁵³ It is with the basis of the former of these two concepts that we must now be concerned if we are to understand the intellectual and technical background of the French fonctionnaire. France is a country where the State has since Napoleon's time increasingly monopolized the direction of education. From the elementary school to the university, including innumerable specialized vocational and technical schools, one feels the impress of State action. Even instruction in the fine arts is largely subject to State control. What is the dominant spirit of this all-pervasive State system of education? To what extent is it correlated with methods of recruiting personnel for the public services? These two

⁵² On the contrary, a subsequent amendment to the law, enacted 9 December, 1927, strengthens the preferential status of ex-service men in governmental employment by according them advanced seniority ratings for increases in pay and rank.

⁵³ Cf. the preliminary reports made for the round table discussions at the International Congress of Public Administration (Paris, 1927).

highly significant queries demand answer before we try to evaluate the technique of examination and appointment, and, following that, the continuation of training subsequent to entry.

At the outset, it cannot be too strongly emphasized to American readers that "the mainspring of education in Europe is an immemorial reverence for learning."⁵⁴ In French, *travailler*, as M. Dimnet has shrewdly suggested in his *Art of Thinking*, "means to study, where as 'to work' in English applies to 'work' on the football field or on the river. Our boys have mature brows but narrow chests; yours have broad shoulders but childish expressions."⁵⁵ The Latin's concern for the development of the individual intellect plays a decisive rôle in shaping both curriculum and instructional methods in the schools. Self-expression becomes perhaps the supreme educational objective. It is ardently held that mere factual instruction can add little either to the individual's pleasure or to the maturing of his character. In the elementary, and still more in the secondary schools, instruction takes on the form of literary analysis. A brilliant facility of expression means more than the possession of a large body of accurate data on the subject one may be discussing.⁵⁶ Similarly, imaginative generalizations prior to a thorough search for all the facts in the case are often held by French scientists to belong to a higher category of intellectual attainment than conclusions

⁵⁴ N. S. Learned, *The Quality of the Educational Process in Europe and America* (New York, 1925), p. 7.

⁵⁵ (New York, 1929), p. 61.

⁵⁶ F. M. Ford, *A Mirror to France*, p. 243, relates the amusing story of a history examination in which the student, knowing nothing of the relations of Louis XVIII's court with the Low Countries, "invented an intrigue" in which Talleyrand played a discreditable rôle. The latter gentleman happened to be one of the heroes of the distinguished but strongly opinionated examiner, who, growing more and more infuriated, interrupted with so many questions about specific dates and events as to give the examinee the facts he needed in order to complete his fantastic tale. Although the examination ended in an uproar, the professor passed the student with the highest mark because of his "brilliant gift of expression," in the hope that further study and reflection would lead him to sounder historical and political views!

arrived at after long and painstaking investigation. As an important consequence of this emphasis, "educated French men and women . . . find it difficult to take a practical view of life because of a phantasm created during their formative years: the self-sufficiency of the brain."⁵⁷ Significantly enough, it was not until 1902 that the French secondary curriculum was modified so as to permit students to get the *baccalaureat* and enter the university *without Latin*,—a change that the "classicists" still insist has introduced a certain slovenliness into training in the mother tongue.⁵⁸

Along with the capital importance attached to "facility in the appreciation and treatment of ideas" for its own sake goes a veritable national interest in intellectual as opposed to practical activities. There is perhaps no more ingenious analysis of this aspect of contemporary French life than S. de Madariaga's:⁵⁹

"There exists in France an intellectual society, a true Republic of Letters, Arts, and Science. This republic has its authorities, its awards, its punishments. The French Academy, the Goncourt Academy, the reviews, the critics (in France recognized as an order, under the abstract name of 'La Critique'), the University—for literary life; the Academy of Sciences, the 'Ecole Normale Supérieure,' the Collège de France, the great technical schools, for scientific life; the Academy of Fine Arts, the School of Fine Arts, the 'salons,' the 'Conservatoire,'—the concerts, for the fine arts, constitute a kind of State within this society. (The political State itself plays a certain part in this republic of letters, particularly in the control of some of the theatres, such as the Opera, and in the promotions in the Légion d'Honneur, a line of hierarchy or literary *Tchin* more rigid than might be imagined.) But the real force of this republic of letters, sciences, and arts, that which gives the institutions which constitutes its 'State' their vigor and their authority, is the *spontaneous collaboration of the whole country* in intellectual life, the award of a Goncourt prize, a first night at the Comédie-Française, or a 'vernissage' in a picture

⁵⁷ Dimnet, *op. cit.*, p. 68.

⁵⁸ In the opinion, for example, of M. Berthélemy, Dean of the Paris Faculty of Law, French official reports, as well as literary productions, are for this reason written with less clarity and elegance of style than a generation ago.

⁵⁹ *Englishmen, Frenchmen, Spaniards* (New York, 1929), p. 71.

exhibition are events which interest, and sometimes rouse, the passions of the whole public."

To state the matter differently, art and pure science have traditionally commanded greater prestige with the French public than have commerce and applied science. This is a factor that should be stressed as it partially explains why training in the practical aspects of governmental and business administration is so undeveloped in France. As we shall see in the next stage of this discussion, examinations for upper-grade administrative posts are predicated upon two ideas: (1) the testing of the candidate's facility in literary presentation, and (2) the possession of a comprehensive body of legal, historical, and in certain cases scientific, knowledge. Neither the officials nor the academic professors who share in drawing up the lists of questions have as yet come to recognize that public administration may profitably be studied as an art, or possibly as a science, during the potential civil servant's early training. The Government has established excellent technical schools to train State engineers and laboratory scientists, but the academic background of the young men destined to enter the foreign service or the inspectorate of the Ministry of Finance, or the Council of State, and become departmental bureau chiefs and directors, or prefects, is essentially a general literary culture, supplemented by a more or less intensive knowledge of French public law.⁶⁰

The third characteristic of the French educational system bearing upon recruitment for the public service is the fact that it is highly selective. The French temperament has never succumbed (at least not yet, though it may if "Americanization" of French life goes as far as some fear it will) to the peculiarly American notion that every child has, or should have, a "constitutional right to a higher education." On the contrary, the educational pattern above the elementary school, which is free to all and from which the child emerges at

⁶⁰ This holds even for those who enter the public service by way of the *Ecole libre des Sciences politiques*.

around twelve or thirteen years of age, is built upon the conviction that individual ability is differentiated. There are two principal paths that the pupil may take: (1) the *lycée* or *collège*, and (2) the *école primaire supérieure*. If he comes from impecunious parents and cannot win a State scholarship, the doors of the *lycée* are closed to him. This means that most of the boys and girls who go through the *lycée* to the *baccalauréat* degree (corresponding roughly to the American junior college stage) are selected by reason of wealth and family tradition. For a generation or more, the policy of the State, to be sure, has been to provide an increasing number of scholarships, many of them including free board and lodging for the holder. By this merit plan of selection, democratic in the sense that it equalizes opportunity, the more promising sons and daughters of peasants and laborers have the opportunity to follow a direct cultural path toward the university; for in awarding these scholarships, family resources are always taken into account and only needy children supposedly receive awards. If the "scholar's" record continues satisfactory, he is virtually assured of having his scholarship continued throughout the *lycée* course. In 1927 as many as one-eighth of pupils in the *lycées* held State scholarships, the total expenditure for which had by that year reached 35,000,000 francs.⁶¹

The French *lycée*, like the German *gymnasium*, "is pivoted on the conception that there must be one type of school representative of the best that is known in respect to curriculum, instruction, and general discipline. . . . It insists as a standard, not on the average or medium, but on the best practice that can be set forth."⁶² Until the pupil reaches seventeen or eighteen, he is exposed to a rigorous intellectual discipline in his mother tongue, history, literature, philosophy, and elementary science. Its formal emphasis is literary, its substance is philosophy. No where else in the western world does phi-

⁶¹ Interview with the Director of Secondary Education, 14 June, 1927.

⁶² Learned, *op. cit.*, p. 28.

osophy occupy a more important place in the secondary school curriculum. No other body of teachers is more severely trained than the French *lycée* instructional staffs. They are the "crown and glory of French education." It is their pupils who constitute the educated *élite* of the nation. There are comparatively few high posts either in government service or in private business or the liberal professions but are filled by men and women who have successfully passed the battery of 17 written and 43 oral tests given at the end of seven years' hard, playless effort in *lycée* or *collège* to determine who shall attain the coveted *baccalauréat*. Yet, although from 34,000 in 1914 the number of candidates for this degree rose by 1927 to over 57,000, the proportion is still small for a country with 40,000,000 inhabitants and a deeply rooted national culture.⁶³

For those either who cannot afford to enter a *lycée* or *collège*, or who desire a more practical and less intellectually severe type of training, there exists an alternative path in what is known as the *école primaire supérieure*. Comparatively recent in origin, this school is a fairly close counterpart of the sort of American high school where vocational courses are interspersed with strictly academic training. The pupils of this school are admitted by examination. By and large, they come from a somewhat lower social stratum than does the *lycée* clientele. In fact, the *école primaire supérieure* may be regarded as a creation resulting from the demand of organized labor and the lower middle class for educational opportunities for their children beyond the elementary school. In this "intermediate" school the curriculum becomes almost entirely vocational after the first year, one option leading to the commercial goal, a second to industry, and a third to the normal school, the whole course extending over a period of three or four years. At entry every child must be at least

⁶³ Cf. Hayes, *op. cit.*, p. 49, for the percentages of French population at various educational levels. In 1924-25 the total university enrollments equalled but one per cent of the number of pupils in elementary primary schools.

twelve and none can remain beyond his eighteenth year.⁶⁴ Here, again, it is possible for the best talent to move upward at State expense by winning scholarships.

While this alternative curriculum is also strongly tinged with emphasis upon "literary culture," it becomes progressively "practical" as the pupil advances. A great variety of courses offer elementary instruction in as widely divergent subjects as industrial chemistry, applied electricity, agriculture, accounting, and marketing. For the girls there is home economics, child-rearing, sewing, and, not least in France, *la cuisine*! The quality of instruction varies greatly: in Paris it is often as good as in the *lycées*; in the provinces it is sometimes quite mediocre. Likewise, the level of ability in the student clientele of these semi-vocational schools averages appreciably lower than in the *lycées*, though many insist, with a good deal of reason, that the difference is rather one of environmental background than of innate intelligence.

This point of view has given rise to a recent but very significant agitation in France for the consolidation of all these parallel forms of secondary educational institutions into a single establishment—*l'école unique*. The proponents of this reform are mainly political and economic liberals (including, of course, socialist and syndicalist groups) who argue that there should be the same opportunity for the children of all classes, whether the parents be landed aristocrats or peasants, merchant princes or petty shop keepers, captains of industry or proletarians. The moral unity of France, they claim, is being menaced by the creation of caste privileges through the still too exclusive *baccalaureat*. What they propose is a rigid system of selection by merit generously supported by an extensive panoply of State scholarships. "*A mérite égal, l'instruction égale*" runs their motto. Only by adopting *l'école unique*, it is insisted, can democratic opportunity be logically recon-

⁶⁴ Mention should also be made of a parallel series of vocational and commercial schools. Cf. C. Richard, *L'Enseignement public en France* (Paris, 1925), Chap. V.

ciled with the highest cultural and practical development of the nation. Whatever be the outcome of the controversy raging over this point, the Ministry of Public Instruction of every French government since the war has repeatedly assured the country that it contemplates extending the system of competitive scholarships as rapidly as budgetary considerations will permit.⁶⁵

At the apex of the French educational establishment stand, on the one side, seventeen centrally controlled State universities, and on the other, a cluster of advanced technical schools likewise regulated and financed by the Government. In addition, one finds a limited number of privately endowed institutions like the famous *Ecole libre des Sciences politiques* in the social field, and the *Institut Pasteur* in the domain of medicine. To virtually all of these "superior" institutions—certainly to all the universities and great State technical schools—entrance depends upon the successful completion of the *lycée* training, that is, the *baccalauréat*. Since the percentage of successful candidates for this degree rarely exceeds sixty, one at once understands how rigorously selective the university student body is in France. That it totals less than 60,000 for a country of 40,000,000 people suggests, again, the extent (surprising enough to Americans accustomed to the post-war influx of "mobs" of undergraduates) to which the French universities still serve only a "super-élite."⁶⁶

The basic ideal of this university system is to give to those who have survived the intellectual ordeal of the *lycée* three or more years of "strictly professional training within a limited field." The student may choose the broad direction of his emphases, but within that "broad direction" he is required to follow a nationally prescribed program of study,—not, to be sure, in the sense of acquiring so many hours of credit in

⁶⁵ The holders of normal school scholarships agree to stay in teaching at least ten years; otherwise, they are obliged to repay the State the pecuniary equivalent of the scholarship.

⁶⁶ This total of 60,000 represents an increase of 50 per cent over pre-war university enrollments.

certain formal courses, but in the sense of preparing largely on his own initiative for the oral and written comprehensive examinations which are the culmination of his immediate quest. What he does with the teacher's wisdom depends entirely upon his own scholastic initiative and intellectual fibre. He may assiduously attend the brilliant lectures of Professor A, while he is just as diligently absenting himself from the dull discourses of Professor B. There is lacking that "professorial tyranny" of which American college students are so wont to complain. If this freedom sometimes proves too much for the weaklings, they simply are allowed to fall by the wayside. From the individual's standpoint, more personal guidance, which now varies enormously from institution to institution and from instructor to instructor, would in many instances be desirable. But that is not the French way of educating. Frenchmen do not believe in scholastic "coddling."

Administratively, each State university is organized into "faculties," ranging from three to six in number. Every institution has at least three: (1) sciences, (2) letters, and (3) law. The others, not to be found everywhere, include (4) medicine, (5) pharmacy, and (6) theology. For our purpose, the faculty of law calls for special comment. It provides not merely instruction in the usual branches of private law and procedure in which the future attorney or judge is interested, but advanced training in public law and economics. At the end of each year general examinations are given according to the schedule indicated at the top of page 110.⁶⁷

For the doctorate two additional years of study culminating in a thesis are ordinarily required. Here the candidate has a choice between the so-called "juridical" sciences and the "economic and political" sciences. If he plans to practice law or prepare for the bench, he will take the former path, with emphasis, of course, almost wholly upon civil and criminal law and procedure. If he contemplates a career in business

⁶⁷ In French eyes the division between private and public law is not so sharp as I have here made it.

THE FRENCH CIVIL SERVICE

	PRIVATE LAW	PUBLIC LAW AND ECONOMICS
1st year ...	Roman Law Civil Law History of French Law	General Economics Constitutional Law
2nd year ...	Roman Law Civil Law Penal Law	General Economics Administrative Law
3rd year ...	Civil Law Commercial Law Civil Procedure Private International Law	Public Finance 2 elective subjects*

* Note. These may be chosen from such subjects as colonial legislation, economic theory, labor legislation, statistical method, et cetera.

or the public service, he will probably select the latter alternative. This involves two oral examinations covering eight subjects, as follows:

ON THE POLITICAL SIDE	ON THE ECONOMIC SIDE
Constitutional law and comparative government	General economics
History of French public law	History of economic theories
Administrative law (chiefly French)	Public finance
Public international law	Colonial or industrial legislation

and the preparation and public defense of a thesis, which may be written on a political or an economic topic. As a matter of fact, the vast majority of these doctoral dissertations deal rather narrowly with some aspect of public law, constitutional, administrative, or international.⁶⁸

Instruction in the State faculties of law, even on the "public law" side, reveals a striking lack of attention to analysis of political forces and processes. Almost without exception the emphasis is juristic or philosophical where it is not narrowly legal or economic. A rapid perusal of the output not only of doctoral theses, but of scientific contributions from French professors of law, leaves one with the feeling that the study of politics *per se* has not interested the French. They tend to

⁶⁸ Cf. the writer's analysis, "Political Science in France," *Amer. Pol. Sci. Rev.*, Aug., 1924.

regard politics merely as one interesting (and amusing!) aspect of the study of history. Otherwise, it is bound up with law. There is little or no interest in the kinds of problems that are now engaging British and American students—research, for instance, in the psychology of voting and party practices, the behavior of legislative bodies, the principles of administrative organization and control, and personnel policy. Political inquiry has been, and largely still is, carried on within the orthodox confines of historical and descriptive methodology. Brilliant scholars like Esmein, Hauriou, Berthélemy, Jèze, and Lapradelle have made magnificent contributions to the literature of public law, but have left unexplored the baffling imponderables in political and administrative behavior. Even an original jurist like Duguit, who did much to relate sociology to jurisprudence, and who established a veritable school of younger followers of his pluralistic theory of the foundations of the State, was singularly apathetic to an objective examination of the sociological and psychological forces lying behind the formation and application of public policy.⁶⁹

Aside from the regular faculties of law, there is a special training school for careers in the domestic-administrative and foreign diplomatic and consular services of the French State. This is the *Ecole libre des Sciences politiques*, founded shortly after the Franco-Prussian War by Emile Boutmy,—a man who was moved by the defeat France had suffered to believe that she should rebuild her public institutions on a democratic but scientific basis. Although much of its income is derived from student fees, this school is privately endowed. Its student body has grown to over 1,300 during the sixty years the school has operated. Although more than fifty nationalities are represented among these students, two-thirds of them are French. In the *Ecole libre* one finds a considerably wider range of

⁶⁹ In many conversations with the writer M. Duguit used somewhat inconsistently to justify this attitude on the ground that it was not the jurist's function to do more than suggest the hypotheses which might guide others in analyzing "political" behavior.

instruction than in the faculties of law. Its offerings include a great variety of courses organized in overlapping groups:

- Diplomatic (international law, foreign policy, geography, colonial policy)
- Administrative (organization, functions, finance)
- Economic and financial (finance, money, commercial policy)
- Economic and social (statistics, economic organization, social theory)
- General (public law and history)

Special instruction in modern foreign languages is provided as a part of the requirements for those working in each of these groups.

While the instructional staff of the *Ecole libre* is probably unexcelled for scholastic brilliance and richness of public experience, little of the work of the school can be classified as "fundamental" research.⁷⁰ The primary purpose of its lecturers is to acquaint young men and women with the basic facts of modern history and political, economic, and social organization. From officialdom's point of view, this objective is so admirably fulfilled that the school has become recognized as the normal recruiting ground for the upper reaches of the administrative and foreign services. From 1905 to 1927, for instance, 153 out of 192 appointees to diplomatic and consular vacancies had diplomas from the *Ecole libre*. All but two of those admitted as *auditeurs* to the Council of State had been trained there, while only three of the young men who entered the inspectorate of the Ministry of Finance and the *Cour des Comptes* had not taken work at the *Ecole*.⁷¹ A growing number combine a law degree with special study at the political science school.

It can scarcely be claimed, however, that public administration is studied from the standpoint of social behavior susceptible to scientific analysis and orderly improvement. The

⁷⁰ The staff of the *Ecole libre* includes almost as many government officials and parliamentarians as academic men.

⁷¹ As indicated in the *Programme* of the *Ecole* for 1926-27.

approach remains essentially legalistic; the methods, historical, descriptive, and comparative. This is all very well in its way, but there appears to be virtually no appreciation of the close relation that ought to exist between the administration of public affairs and modern business management; nor of the importance of correlating the whole field of engineering with government. M. Fayol, the celebrated industrial engineer to whose initiative as regards the introduction of business methods into the government services allusion has already been made, frequently complained that the training of young Frenchmen contemplating a civil service career was almost entirely "theoretical," that is to say, only slightly related to the practical aspects of public employment.⁷²

Yet on the purely technical side there is in France an imposing array of schools, partly governmentally supported and partly private, offering training in foreign commerce, business, and engineering in all its forms. Among these, the most important are what the French like to call "*les Grandes Ecoles*," most of which are administratively attached to the military establishment. Here the *Ecole polytechnique* stands out pre-eminently as one of the finest State engineering schools in the world. Its *raison d'être* is the training of engineers for the different State services, both civil and military. Its students are democratically selected after rigorous competitive examination, from two-thirds to three-fourths being admitted on State scholarships. For 1,200 to 1,400 applicants each year, there are usually only about 200 vacancies. These applicants, moreover, are themselves a specially prepared group. In all the larger *lycées* one finds special preparatory courses for the *Ecole polytechnique*, as well as for the *Ecole normale supérieure* and the schools of mines. To take these preparatory courses, one must already have his *baccalauréat* (many in fact are *licenciés*), which often means the paradoxical situation of having degree-holders of the *lycée* itself going back to its classrooms to study in its professional training classes. It is

⁷² Cf. his *Administration industrielle et générale* (Paris, 1921), p. 137.

an interesting combination of cultural and pre-professional instruction.

Ordinarily, the highest thirty or forty among the graduates of the two year course at the *Ecole polytechnique* accept appointments as engineers with the Ministry of Public Works, some becoming inspectors of mines, some building highways and bridges, others going into the hydro-electric service, and still others attaching themselves to the State telephone service. The rest of the graduating class constitute an annual reservoir for the military, naval, and aeronautical establishments, while those who fail to graduate accept inferior positions with government departments. The entire student clientele of the school, of course, is given military instruction.⁷³ By this ingenious arrangement the French government is able to maintain a high standard of recruitment for its various engineering needs.⁷⁴

Space will permit but passing reference to other State technical schools. Aside from various specialized military and naval schools with which we are not here concerned, the two most important are the *Ecole nationale des Ponts et Chaussées* and the *Ecole nationale supérieure des Mines*.⁷⁵ These institutions afford further practical training for (1) graduates of the *Ecole polytechnique* who have elected to become public works engineers and (2) others who pass a difficult examination admitting them to the courses offered by the respective schools. In a sense, therefore, they give staff training subsequent to formal entry into the public service, and continuing, as it were, for a two or three year probationary period. The final product emerging out of this super-selective process is ordinarily a technician of high calibre.

Certain other schools have been established by the State, supplemented occasionally by private funds, to train people

⁷³ The real French "West Point" is not the *Ecole polytechnique* but the *Ecole spéciale militaire* at Saint-Cyr, which trains field officers.

⁷⁴ Although in recent years as many as half the upper group have left government service for more remunerative posts in industry.

⁷⁵ There are several others on a somewhat lower level.

for very specialized professions of interest to education and science generally, as well as to public administration. In this category the *Ecole des Hautes Etudes sociales* and the *Ecole des Hautes Etudes commerciales* may be cited as institutions offering miscellaneous training ranging from business administration and journalism to international relations. Now and then a young man will come up through one of these schools and compete for the group of government posts served principally by the *Ecole libre des Sciences politiques*. There is also the *Ecole nationale des Chartes* which professionally trains students for staff positions as archivists and paleographers. Both the public libraries and the government archives draw heavily upon this excellent school, certain posts being specifically reserved to those who possess its coveted diploma. Likewise, mention should be made of the world-renowned *Ecole nationale des Langues orientales vivantes*. It constitutes the official recruiting ground for a large number of permanent posts in the colonial and foreign services, notably for the entire staff of Oriental interpreters. So widespread is the reputation of this school that foreign governments, including the American, not infrequently have sent students to receive the training it offers in Oriental languages.

F. CORRELATION OF EDUCATIONAL SYSTEM AND STATE RECRUITMENT

The foregoing survey of the French educational system was designed to afford a bird's-eye view of the spirit and organization of educational opportunity and activity in the nation. Now arises a more pointed question: how is the system of selection for the public service correlated with the educational establishment? This is a very important consideration. For two reasons, however, it is exceedingly difficult to present a perfectly clear picture of the correlation. First, educational pre-requisites for positions at a given stage of advancement vary from department to department. Secondly, the lack of

any comprehensive classification plan for the national civil service makes it dangerous to assume that similar or identical titles mean similar or identical duties and responsibilities. At the risk of over-simplification, a tentative diagram is presented on pages 118-119 with a view to showing how educational training and opportunity are related to the scheme of competitive recruitment for the administrative services of the national government.⁷⁶

The table referred to is neither fully inclusive nor indicative of numerous deviations from the norm. But it does show how each of the broad gradations of public employment roughly corresponds to a particular stage of training afforded by the national educational system. The upper-grade administrative posts requiring intellectual initiative and involving responsibility for policy decisions are virtually closed to all who have not obtained the *licence* degree from one of the regular university faculties, or its equivalent from special schools like the *Ecole libre*. This would mean in American educational terminology the stage marked by the degrees of master of arts (or science) on the one hand, or the degree of bachelor of laws on the other. Descending the administrative ladder to a middle group of executive-clerical positions, including chiefly the *rédacteurs*, one finds that a complete secondary education culminating in the *baccalaureat* is required, with preferential treatment to candidates possessing degrees of *licence* or *docteur*. Here, as in the higher group, the average in academic attainment actually reached by applicants is materially higher than the minimum pre-requisite set by official regulations.

Between these two uppermost categories and the next two, a line of demarcation may be drawn. Above this line, recruitment is largely limited to the so-called educational élite; although, as will be seen more clearly when French promotion

⁷⁶ Based upon data drawn from published departmental reports and regulations, unpublished circulars, and replies to the writer's questionnaires.

policies are analyzed, there are provisions whereby a limited number of employees from the lower academic level may work into the middle administrative group by successfully hurdling certain barriers. Below our imaginary line, the rank and file of routine, clerical workers are recruited from persons who at the most need have progressed no further than the end of the elementary school period, which is around the ages of eleven to thirteen years. Certain clerkships, however, may be obtained without examination by holders of higher degrees. For many of these subaltern positions, especially those whose functions are manipulative, no formal educational minima are set in view of the fact that the character of the entrance tests is such as to involve the equivalent of elementary school training. Furthermore, the compulsory school age is high enough to cover most of the potential applicants for subordinate clerical positions. For that matter, two-thirds or more of these jobs are reserved by law to ex-service men and certain of their dependents without much regard to the amount of formal schooling they may have had. This is particularly true of the custodial positions filled by partially disabled veterans. Manual laborers in the State industrial plants are selected by means of simple aptitude or performance tests, special preference again being accorded military men who have served more than one term of enlistment.

At this point, brief mention should be made of training by correspondence schools. Thousands prepare for subaltern civil service examinations by enrolling in one of the many establishments of this sort offering a multitude of courses looking toward entrance into advanced technical schools or government posts. One is amazed to discover that the largest of these correspondence schools had in 1927 over 60,000 pupils from all parts of the country.⁷⁷ "They make good enough material for passing examinations," remarked a postal personnel officer, "but the candidates' lack of general culture handicaps them for promotion." As a means of broadening the occupational

⁷⁷ *Ecole universelle*, Paris.

CATEGORIES OF EMPLOYMENT	AGE RANGE AT ENTRANCE	MINIMUM EDUCATIONAL OR OTHER QUALIFICATIONS AT ENTRANCE
1. <i>Upper-grade Administrative</i>		
Division heads	Variable (40-60)	<i>Licence</i> always, <i>docteur</i> often
Bureau chiefs	Variable (30-55)	Promotion from assistant or <i>rédauteur</i>
Prefects	Extremely variable	Political appointees, ordinarily <i>licence</i> or above
Sub-prefects	25 or above	<i>Licence, docteur</i> , or special diploma unless 3 to 10 years' previous experience
Foreign Service	23 to 28	<i>Licence</i> or diploma from <i>Ecole libre</i> or <i>des Chartes</i>
Auditors, Council of State	21 to 26	Same as for Foreign Service
Treasury Inspectorate	22 to 28	<i>Licence</i> , many also <i>docteurs</i>
2. <i>Middle-grade Executive-Clerical</i>		
Chief clerks (<i>rédauteurs</i>)	21 to 30	<i>Licence</i> usually, <i>baccalaureat</i> always
Ordinary clerks (<i>commis</i>)	18 to 30	Equivalent of complete elementary course
Accountants and Bookkeepers	Wide limits	<i>Ecole primaire supérieure</i> , plus special technical training
3. <i>Subordinate-Clerical-Manipulative</i>		
Copyists (<i>expéditeurs</i>)	18 to 26	Complete elementary school training.
Stenographers	17 to 25	In revenue services, <i>baccalaureat</i> .
Letter carriers	No fixed limits	Elementary school to 11 or 12 years, $\frac{3}{4}$ re-served to ex-service men.
Customs inspectors	Usually 30 or under	Equivalent of elementary schooling.

4. <i>Labor—Custodial</i>	{ No fixed limits	Aptitude or performance tests
Industrial laborers	{ No fixed limits	Reserved chiefly for ex-service men, widows and orphans; no set educational minimum
Messengers		
Doormen		
Janitors		
Office boys		
Charwomen	25 and upwards	<i>Licence</i> in law and 2 years at the bar; large proportion are <i>docteurs</i> as well. Selected from young judges <i>Ecole polytechnique</i> , plus course in applied engineering <i>Licence</i> plus 3 years in research laboratory <i>Ecole des Chartes</i> <i>Ecole des Langues orientales</i> <i>Licence</i> in science or equivalent
5. <i>Professional—Technical</i>	30 and upwards	
Judiciary (bench)	Usually under 30	
Prosecuting Attorneys	Variable	
Engineers	{ Usually under 30 20 to 30	
Chemists	{ Usually under 30 20 to 30	
Archivists		
Interpreters		
Statisticians		

opportunities for the working classes, correspondence courses seemed to be viewed with mild favor by most syndicalist leaders, but as substitutes for education in the conventional sense, they are severely frowned upon by officialdom. It is not unlikely that special coaching schools are indirectly stimulated by the encyclopedic information required to pass many of the entrance examinations for clerical positions.

Finally, special emphasis should be directed to the professional, scientific, and technical classes of State employees (number 5 on the table). These groups exemplify a most admirable liaison between school training and official duties. Whether they be magistrates or prosecutors, engineers or electricians, chemists or agronomists, teachers or librarians, archivists or interpreters, their appointment to public service is conditioned upon a long and careful course of training especially adapted to the careers upon which they wish to enter. The State has set up law schools, normal schools, and technical schools and manned them with the cream of the country's intelligentsia. From the products of these schools are selected, sometimes by further open competitive examination, sometimes after competitive interview merely, the government's scientific and professional staffs. The result has been to give France a corps of teachers, judges, and governmental technicians excelled in culture and professional competence nowhere else in the world. It is this category of employment, moreover, where politics least intrudes. If there be favoritism at times, it plays *above* and not *below* the rigorous professional eligibility line.

CHAPTER V

THE PROCEDURE OF EXAMINATION AND APPOINTMENT

"Queen Elizabeth required all heads of colleges at Oxford and Cambridge to make an annual report to her of youths under their supervision who should appear to be fitted for the service of the state; and it was well said, by one of that extraordinary constellation of dramatists of her day, before whom almost any statesmen but hers would hide their diminished heads—

'The world is not contracted in a man
'With more proportion and expression
'Than in her court her kingdom.'"

—SIR HENRY TAYLOR, *The Statesman*.

It is not enough for a country to establish sound general educational pre-requisites for the manning of its public services. The schools may develop fine powers of cultural expression and appreciation, or even scientific abilities, without producing administrative talent. Moreover, whatever potential administrative talent there is may not be effectively discovered by the State as an employer; or, even if discovered, it may not be adequately attracted to government careers. Or, again, the process of selecting this talent may let the mediocre slip in along with the competent. It may even waste talent by demanding a competence disproportionate to the task. The highly important and complex problem of how civil service manpower is to be selected and fitted for specific types of employment, therefore, must now engage our attention. We must survey critically the whole process of examination, appointment, and probationary training. Such is the province of the present and the two succeeding chapters.

Without a central personnel agency to integrate it, the French system of competitive recruitment seems at first sight to be full of bewildering deviations from any set of standard criteria. But there is in fact more unity than diversity running through it. For departmental personnel offices are permeated by an extraordinary similarity in point of view. To-day, aside from the prefectures, there is not a single department or office under the jurisdiction of the French national government whose major personnel is not recruited, at the base at least, by open competition. The conditions under which this competition operates are determined by executive ordinances (*décrets*), as supplemented by ministerial orders (*arrêtés*). Where no statute covers the matter, the President of the Republic has the power to confer upon the proper minister the authority to make rules governing appointments. As already suggested in Chapter III, it is in point of fact the departmental (or divisional) personnel bureaus that draw up these rules within the broad limits established by statute, ordinance, and administrative jurisprudence,—one or more of these, as the case may be.

In French, the collective term connoting the entire process of an open competitive examination is *concours*. For linguistic economy, we shall employ this word in the pages that follow. "The *concours*," writes a distinguished French publicist, "is a complex operation comprising a series of acts of which the principal are the following: (1) the decision that there shall be a *concours*, fixing the date, and the period in which candidates may enroll; (2) the designation of the members of the examining board; (3) the fixing of the list of those admitted to the examinations; (4) the board's decision determining the conditions under which the tests shall be held; (5) the drawing up of the list of those successfully surviving the preliminary tests, if any, and therefore eligible to take the final group; (6) the determination of the definitive list of successful candidates to be presented, in order of merit, to the appointing authority; (7) the approval of the list by this author-

ity, or its rejection on grounds of irregularity; (8) the appointment itself."¹ Though this is a jurist's analysis, it will serve as a convenient series of pegs upon which to hang our discussion of the non-legal as well as the legal phases of the selective process. Legally, all the steps above mentioned are tied together, an irregularity in any one of them invalidating the whole operation. But in reference to employment policy, they are easily susceptible of separate analysis.

A. DATE AND PLACE OF THE *Concours*

Each personnel jurisdiction determines both the date and the place of every competitive examination it is deemed wise to hold. There is no general periodicity about the matter. Nor does one personnel bureau necessarily act in liaison with another. Consequently, *concours* are taking place at all seasons of the year, although they are dated in some relation to the convenience of applicants. If the vacancies to be filled are in a headquarters staff, the competition will be held in Paris; if they pertain to one of the field establishments (*services extérieurs*), regional competitions are organized. In the postal service, for example, examinations for appointments to subordinate clerical positions are held simultaneously in each of the ninety odd county seats (*chef-lieux de département*) throughout France; a similar arrangement is followed in examining candidates for teaching posts in the elementary schools. For field services with a less numerous personnel scattered through the country, examinations are usually held in a limited number—fifteen to twenty-five—of regional centres. Inasmuch as the French capital is less than twenty-four hours distant from the external boundaries of the country, certain departments, like the Foreign Office, confine all their examinations to Paris, whether for field or central staffs. Others hold preliminary examinations in the provinces and the finals in Paris.

¹ Jeze, *Cours de Droit public*, p. 185.

With thirty or more personnel agencies arranging their respective *concours*, the result is an amazing multiplicity. Although the position of *rédacteur* (chief clerk) is common to all departments, each of the latter sets its examination to fill vacancies to such positions without much regard to what its neighbor may be doing. One will often see announcements that two or three competitions for what is substantially the same type of position are to take place a few days apart, all in Paris perhaps, but with one at the Treasury on the Rue de Rivoli, another at the Ministry of Commerce across the Seine on the Rue de Grenelle, and still a third at the Ministry of the Interior in the Place Beauvau.

Many of these *petits concours* necessarily attract but few candidates because the number of possible appointments is known to be small. It is not uncommon for fewer applicants to appear than there are vacancies to be filled. Examples could be cited where a single ministry has held as many as three examinations in a single year for the same class of position, the number of vacancies in no case exceeding ten or twelve.

Complete statistics on the average number of civil service examinations held each year throughout the national public service do not exist in accessible form. In the P. T. T., there were twenty-five in 1924, and fifty in 1927. If at least one *concours* were held annually for each of the different categories of positions in the entire national service, the total would reach 1,775.² But (1) since a considerable percentage of these positions are not competitive, (2) since others are filled by promotion without examination, and (3) since the turnover in certain others is exceedingly slow, it may be conservatively estimated that the number of separate examinations during the course of a year rarely exceeds 1,200. Even this figure, however, is more than double the number of examinations administered during the fiscal year 1928 by the United States Civil Service Commission. While this seems a

² In contrast with about 1,000 in the United States federal service and 300 in the British national service.

surprisingly large figure, it must be remembered that the national civil service in France performs many functions that fall within the province of local and state governmental units in the United States.³

In recent years there has arisen a growing demand in some quarters that as many as possible of the *petits concours* be consolidated inter-departmentally.⁴ It is argued that the existing practice is un-coördinated, sporadic, and conducive to a wasteful use of examining personnel, the test questions for many *concours* being almost identical. It is further pointed out that the unification of examinations relating to analogous types of employment would tend to raise the general standard of selection, provided, of course, more effective publicity were given the larger *concours*. There would be a concentration of applicants which might act as a wholesome psychological stimulus to examining boards. To an outsider, it would also seem to be advantageous if a more regular period were fixed for the holding of each category of examination so that applicants might have time to arrange their own plans well in advance. Finally, the larger the number of examinees, the more feasible becomes a critical evaluation of the selective value of the test used,—a matter the importance of which French administrators, unfortunately, do not yet appear to recognize.

On the other side of this question, M. Berthélemy, the venerable Dean of the Paris Faculty of the Law, contends that there is little waste of time or energy in the existing system. He feels that it would be inadvisable to hold a large general *concours*, involving oral examinations extending over a period of several days and requiring an excessively large number of examiners, many of them professors with heavy outside responsibilities. Since the latter, however, not only receive remuneration for their services as examiners, but enjoy long academic vacations, it seems to the writer that such an argu-

³ Cf. *Report of the United States Civil Service Commission* (1928), p. 9.

⁴ Cf. especially Salatin, *op. cit.*, p. 109, and Chardon, *Le Pouvoir administratif*, p. 65.

ment may be somewhat discounted. Certain other critics of inter-departmental consolidation of entrance examinations suggest that enough diversity in what should be tested from department to department exists to make the wisdom of such a change very doubtful. Here and there tendencies are at work which are slowly bringing personnel bureaus into somewhat closer liaison on this matter, but they have a long way yet to go.⁵

So far as publicity for civil service examinations is concerned, the time-honored "official" procedure is merely to announce each competition in the *Journal Officiel* several weeks, or even months ahead. At first glance, the publicity value of such announcements appears flat and ineffective. In large measure this is so, but at the same time it should be pointed out that the *Journal Officiel* is more widely read in France than are the analogous national government publications in England or America. In addition, the principal daily newspapers usually carry inconspicuous notices of the more important administrative competitions, and, of course, there is always an *affichage* on the "official" bulletin boards at the entrance of town halls and other government buildings. Sporadically, special notices are also sent to the deans of university faculties, to the heads of local chambers of commerce, or to students' associations, asking them to give all the publicity they can to forthcoming *concours* of interest to students and the younger professional and business men. For local competitions in a field establishment, the official posters are occasionally issued from the regional office, although this is not the general rule. Nor is any use made as yet of *illustrated* posters or radio in announcing examinations. Even during the recent *crise de recrutement*, apparently no special effort to stimulate applications was undertaken by government personnel agencies.

⁵ The partial fusion of the Registrations and Stamps with the Direct Tax Division of the Treasury by the decree of 17 Sept., 1926, is a significant step in this direction.

The drawing up of these notices of *concours* reveals little imagination on the part of their makers.⁶ There is no attempt to emphasize in sales fashion the attractiveness of the posts to be filled. Instead, what one ordinarily sees is a matter-of-fact indication of when and where the *concours* is to take place, the closing date for applications, eligibility requirements (age, physique, educational attainments), number of vacancies, and salary range, together with any special allowances or perquisites that may be attached to the position. A special point always mentioned is that male applicants must have completed their military service, unless the regulations allow entry prior to serving with the colors.

Special forms for filing applications are not used. It is enough to send in on government stamped paper (*papier timbré*) at the specified price a request to be admitted to the examination. The necessary credentials must accompany the application, to wit: (1) birth certificate, (2) a certificate of good moral character (*bonnes vie et mœurs*), (3) an official document showing the candidate's military status, (4) and the original or certified copy of whatever diplomas are needed to prove his educational qualifications. If a special medical examination is required, all candidates found otherwise eligible are notified to appear before physicians designated by the appointing authority. For positions in the field services, this examination is often given in the presence of a board of officials from the department or office concerned so that it may pass final judgment upon the applicant's physical aptitude for the position sought. Incidentally, the examining physician's fee usually has to be paid by the candidate.⁷

B. THE EXAMINING BOARD

For each competitive examination a special jury of examiners is constituted. It acts as an *ad hoc* agency whose life

⁶ Cf. the specimen shown in Appendix A, p. 565.

⁷ And the ever thrifty French State collects its petty tax through the sale of *papier timbré*!

ends with the completion of the scoring of the particular set of tests for which it was set up. Ordinarily, the selection of its membership is determined by the *chef de service* acting more or less on the advice of the personnel officer. If, however, the competition pertains to a field establishment far removed from Paris, there is often no representative of the departmental personnel division at hand and the immediate unit head picks his board of examiners on his own initiative. The typical examining board is a mixture of young and old fonctionnaires, supplemented in the upper reaches of the service by a minority of outside specialists, academic men or technicians. Officials who have served a long time in the department tend to dominate the board. Whether such men make good examiners is a matter upon which much controversial opinion exists. On the one side, it is argued that their long years of practical experience enable them to discover more effectively than could any set of outside professional examiners the peculiar qualities required for the successful handling of the job for which they are testing applicants. On the other side, serious complaint is lodged against the use of old officials on the ground that they have become so immersed in routine as to have lost the faculty of setting questions that will test either general intelligence or administrative potentialities. They tend, aptly suggests one critic, "to call for a recitation of legal texts and regulations"; they are "men whose public law and economics were studied twenty-five years earlier."⁸ The line of least resistance with them, especially if the examination is for the recruitment of subaltern employees, is to pose narrowly technical questions.

It is difficult to strike a fair balance between these two conflicting views. After analysing and attempting to classify a good many sets of French civil service recruitment tests, one's impression is that a board consisting exclusively of officials is unsatisfactory, particularly where the competition is based upon the attainment of a rather high cultural education.

⁸ Georgin, p. 567 ff.

Here, however, the situation is improved by having present in nearly all such instances one or more university or *lycée* teachers still actively engaged in administering examinations. This is uniformly true of the boards passing on admissions to the Council of State, the foreign service, the judiciary, State teaching staffs, and the like. Serving at such examinations is regarded as a lucrative perquisite for the *savant* whose regular emoluments are inadequate to the needs of his social and professional station. It was my observation while attending oral examinations for the foreign service that the practice of combining the official and the professor served admirably to neutralize the special bias that each type of examiner was likely to possess.

Two other serious criticisms of the examining board may be advanced. The first, and less important, is that where the board is examining candidates known personally to most of the members, it is likely to reduce the whole examination to a mere formality. The examiners will already have tentatively determined in their own minds the candidates' order of merit. This situation is mainly confined, of course, to tests for advanced posts for which relatively few candidates compete. To avoid all appearance of partiality, university examining committees, in the Faculty of Medicine for instance, are often selected by lot. Whatever the procedure, it rarely happens that a candidate in a small select competition will not have at least one friend in court, whether the latter be blood relative, *grand ami de son père*, or stand in some other personal relation to the examinee. Every one winks at this as an inevitable element in the pervasive régime of *camaraderie* that rules French society.

Far more fundamental than any tendency toward partiality is the fact that the system of *ad hoc* examining boards, operating without the guidance of a permanent agency of test research, strongly militates against the possibility of improving the selective value of examinations. To be sure, there is a certain degree of continuity in the personnel of boards of exam-

iners, but it is neither sufficient nor well directed. Examiners are appointed for all sorts of reasons. A goodly number do not take their duties very seriously; the official too often tends to regard it all as a rather perfunctory task; to the academic outsider, it is an easy way to supplement his meagre income. The writer recalls one departmental specification that the "board will meet the day before (*sic!*) the *concours* to draw up the subjects for written compositions." What this amounts to is that the representative of the personnel office on the board will lay before it lists of questions used in former years. Just enough changes will be made in their subject-matter to minimize the advantages of eleventh-hour cramming. But as for conducting any systematic "testing of these tests," few French examiners understand what one is driving at when he suggests that such a procedure might be useful. Of deliberate collective thinking about the enormously important matter of correlating test results with service ratings, there is almost none. So far as could be ascertained by patient inquiry, the men charged with the selection of public personnel seem only slightly aware of the newer developments in test technique that have taken place in America and in other European countries during the last two decades.

C. FIXING THE LIST OF ELIGIBLE APPLICANTS

As soon as the dead-line date for receiving applications is past and all necessary medical examinations are completed, the head of the office or division concerned draws up the list of those who may compete in the *concours*. This officer has no authority to reject an application unless it fails to satisfy the conditions laid down in the regulations governing the competition. Speaking broadly, an applicant may be declared ineligible only for some specific reason sanctioned either by statutory or by departmental rules.⁹ Political interference at

⁹ The minister, says Duguit, may eliminate candidates only if necessary in order to assure "conditions of morality and decency" in the con-

this stage of the competitive process is nowadays virtually negligible.

Once the official list of candidates to be admitted to a *concours* has been determined, all applicants, including rejects, are notified by letter.¹⁰ Usually this notification goes out at least a month before the date of the examination. With the notification is sent the *programme du concours*, which indicates in more detail than the original public announcement not only the date, place, and eligibility for the competition, but a summary of the subject-matter of the examination as well. It is common also to explain in advance how the test is to be scored and whether candidates who do not pass it may compete a second time.¹¹ While it is the practice in some departments to send upon request specimen copies of former examination questions, others closely guard such documents in their personnel "archives."

D. THE EXAMINATION SETTING

Within the limits, again, of departmental regulations, each examining board has discretionary power to determine the conditions under which tests are given. The selection of a room (or rooms), the provision of writing materials, and proctoring are part of the board's responsibility. It also fixes the duration of each examination period. Where the number of examinees is large, special precautions are taken against cheating. Frequently an excerpt from the statute penalizing dishonesty in civil service examinations is read to the assembled candidates at the outset. The severity of this penalty may range from imprisonment for one month to three years, or a

cours; their political or religious opinions do not constitute a legal reason for refusing to admit them to the examination; on the contrary, such refusal affords the basis for an appeal on grounds of *détournement de pouvoir*. (*Traité*, Vol. III, p. 132.) This view was confirmed by the Council of State in its *arrêt* in the Grego case, 16 May, 1930.

¹⁰ With a statement of the cause for rejection.

¹¹ It is customary to allow one or two repetitions in most personnel units.

fine of 100 to 10,000 francs, to any combination of these two forms of punishment.¹² No one with whom I discussed the conduct of public examinations in France would admit there was ever any dishonesty. "Probity," proudly proclaimed M. Maxime Leroy, "is the outstanding characteristic of French administration." Due largely to the remarkable influence of the administrative jurisprudence of the Council of State, according to one of its distinguished former members, every *concours* is nowadays conducted under conditions of absolute honesty. The testimony of those applicants who could be induced to express an opinion on the matter was equally positive. They were as one in denying that any candidate ever received special treatment in taking a *written* examination, although they were significantly less categorical about the *orals*. An outside observer is in no position to challenge the force of these statements. Considerable personal experience with French university examinations inclines the writer to believe that so far, at least, as the upper stratum of civil service applicants is concerned, not only are instances of personal dishonesty virtually non-existent, but any political manipulation of tests such as may have occurred at one time has virtually disappeared during the last twenty years.

E. FIXING THE LIST OF APPLICANTS ADMISSIBLE TO FINAL TESTS

A prevalent type of examination in French governmental circles is the double-jointed preliminary-written and final-oral arrangement. In the preliminary written section a minimum grade must be attained in order to be eligible for the final orals. What this minimum score shall be rests with each examining board, whose duty it is, of course, to draw up the list of examinees eligible to compete in the definitive tests the next day, or as may be, several days or even weeks later. If the preliminary competition is held at different points throughout

¹² Law of 23 Dec., 1901.

the country, it is sometimes provided that reports from the various local boards shall be centralized in Paris in the hands of a special central commission by which the final oral tests are conducted and judged. An alternative procedure followed in the Divisions of Direct Taxes and Registrations of the Ministry of Finance is to have this central committee go, as it were, on "circuit" and hold the final orals at specified regional points. This plan has the distinct advantage of relieving impecunious candidates of having to defray the expenses of a trip to Paris. Not infrequently, the regulations also limit the number of candidates admissible to the final oral test to *twice* the number of vacancies.

F. THE FINAL RATING OF TESTEES

Upon the completion of a set of tests, the examining committee immediately prepares a final rating of the total number of participants. When the examination has comprised written as well as oral sections, the aggregate total of points is arrived at by adding the scores made on each subject, or specific test, as multiplied by pre-determined coefficients. Almost without exception, the basic scale for scoring tests in France is *twenty*, for educational as well as for governmental purposes. While there is no absolute uniformity in the qualitative equivalent of this scale, it ordinarily runs somewhat as follows:

0 to 5	Poor (<i>médiocre</i>)
6 to 11	Passable (<i>passable</i>)
12 to 14	Fair (<i>assez bien</i>)
15 to 17	Good (<i>bien</i>)
18 to 19	Very good (<i>très bien</i>)
20	Excellent (<i>parfait</i>)

If the test is a written one, the ratings of individual examiners are averaged and then weighted according to the fixed coefficients. These coefficients run from one to twelve, their importance varying with the emphasis it is desired to give to a particular subject. Instead, however, of being built

upon an objective analysis of the kinds of knowledge or technical competence involved in any given position, they are determined on a purely impressionistic basis. Since, moreover, the principal type of written test used by French administrators consists of free-answer material in the form of compositions, or *exposés*, a wide variation in grading is inevitable among members of the same examining board. No standard criteria of evaluation are employed. Members of the board mark the papers in the light of their personal predispositions: some leniently, some severely; some stressing one element, some another. The causes of this variation are, of course, multiple: carelessness, ignorance of subject-matter, differences in the ages of examiners, diversity in social backgrounds, and temperament. One eminent French psychologist told me how his son had been scored from 7 to 16 on the same test by different examiners. Among personnel officers, one discovers little interest in the possibility of developing of short answer tests susceptible of being scored with carefully designed stencils and interpreted in the light of norms set up by pooling the results. The "guessing," or judgment, element, therefore, plays an excessive rôle in the giving, scoring, and interpretation of French written tests.

This element is even more pronounced in the oral examination. Here the purpose is usually to subject a preliminarily selected group of applicants to direct personal scrutiny, with a view to sizing up their personal qualities along with their range and accuracy of information. The common thing is for two, at most three, members of a board to work in shifts; so that the composite rating on the oral is the result of a hurried, informal "taking of the sense" of two or three persons about a given candidate. For responsible administrative posts, the latter's bearing, dress, speech, and general personal appearance are variously weighted by different examining groups. Reliable standards for evaluating answers to questions or solutions to problems are seldom either set up or followed. Instead, most examiners rank candidates impressionistically. On lucid-

ity and polish in expressing ideas a special premium is almost always bound to be placed. Their own academic background likewise leads most examiners, whether young or old, government officials or educators, to weight general intelligence more highly than detailed knowledge.

Being the decisive stage in nearly every entrance competition, the oral examination is always open to the public. "Of this tradition the French are proud, and with ample reason. With all the opportunities for mishandling oral examinations because of varying personal standards and equations, there is impressive dignity and justice in the requirement that the honors of the state and of its institutions be granted only to those whose mental attainments are sufficiently robust to permit of a friendly but thorough personal probe under public scrutiny."¹³ I vividly recall how impressed I was with this aspect of a public oral examination for the foreign service which I visited at the Quai d'Orsay one warm summer afternoon. There, behind a red plush-covered table, sat three learned-looking gentlemen, facing a succession of carefully groomed young men from the *Ecole libre des Sciences politiques* as they came forward, when called by the *huissier*, to give a ten minute *exposé* of some topic in diplomatic history which they had had a half hour to think over in the anteroom. Fifteen or twenty other young men,—past, present, and future participants in the ordeal,—formed with myself and two other visitors the public audience. The setting had a certain pompous dignity about it. Oil paintings of French diplomats celebrated in history hung on the richly ornate walls of the reception room where the examination was being conducted. Beautiful chandeliers reached down from the gilded ceiling. Expansive mirrors bedecked the mantel-pieces. One could not help feeling the stuffy pressure of centuries of French diplomatic prestige in the atmosphere of the room. To the onlooker, it seemed as if some, at least, of these young men realized the solemn importance of the occasion. For some a long coveted

¹³ Learned, *op. cit.*, p. 56.

opportunity to honor themselves by "glorious" service to the State lay ahead; for others, the ambition of themselves and families for careers as public fonctionnaires was about to be blighted. Even if this sort of competition does present technical shortcomings, it possesses the special merit of magnifying rather than belittling State service in the eyes of the general public and potential candidates.

Final ratings are based upon "raw" test scores. Percentile scores are seldom worked out. Nor are French examiners greatly interested in experimenting with distribution curves of test scores. It is exceptional, even, for them to fix in advance a "critical score," or "dead line," below which an examinee may not fall if he is to be placed on the list to go to the proper authorities for appointment. What usually happens is this: The board informally discusses the results of the examination in the light of the general level of ability shown by the whole group of competitors. If it is deemed "in the public interest" not to pass candidates in sufficient numbers to fill *all* the vacancies for which the competition was held, the board will determine *ad hoc* where the line shall be drawn. There have been instances in which no candidates whatever were passed, others where only a half or two-thirds of the total number of vacancies were certified, and still others where the final list contained a number of names slightly in excess of the probable appointments. In this matter, the examining jury has complete discretion. Since the war the scarcity of applicants for certain categories of State employment has caused a good many examining boards appreciably to lower their standards of admission, even to the point of passing, in some instances, practically the entire group of candidates. Consequently, the ratio of applicants surviving a set of tests to the number of vacancies varies with the urgency with which these vacancies must be filled. Even where urgency exists, some boards prefer to recommend that the examination be repeated rather than to let down the bars to mediocrity.

G. PREPARATION OF THE EMPLOYMENT LIST

Once the examining board has submitted to the appropriate appointing authority the final list of successful examinees arranged in order of merit, the next step is the approval of that list if, in the opinion of the appointing officer, it conforms to all the legal conditions of the *concours*; or, if any irregularity is discovered, its rejection. Once again, the protecting arm of the Council of State acts to prevent political manipulation of entrance examination results. Any applicant may appeal to the highest administrative court if he has reason to believe he did not receive just treatment either from the board of examiners or from the appointing authority. Within the last fifteen years, however, few appeals of this sort have been necessary, because most government departments have acquired habits of complete honesty in this respect.

If the *concours* is for a specified number of positions, each candidate who passes the examination must be appointed. "If, on the contrary, as is more usually the case, the *concours* is simply a means of determining aptitudes for a particular function, the minister is not obliged to appoint all the successful candidates; he can appoint only those individuals who pass the examination, but he does not have to name them all. Here, however, no more than in the first instance, can the appointing authority proceed at his own discretion. In eliminating such and such a candidate, he must be motivated by 'the good of the service.' The interested party is armed with the right of an appeal for misapplication of power (*détournement de pouvoir*), with the effect of annulling any arbitrary decision."¹⁴

In practice, it is rare that a successful applicant does not receive an appointment. In the P. T. T., with its vast bloc of

¹⁴ Duguit, *op. cit.*, Vol. III, pp. 134-136. However, exclusion is legally permissible in cases of *public* manifestation of political, philosophical or religious opinions incompatible with the functions the appointees would be called upon to exercise. Cf. Jèze, *Cours de Droit public*, p. 150.

nearly 150,000 employees, 99 per cent of all successful candidates got appointments in 1913, and 95 per cent in 1926.¹⁵ In most of the smaller services, virtually 100 per cent are appointed. For miscellaneous reasons the number of appointees, of course, seldom coincides with the number of names on the employment list. Occasionally an applicant will withdraw his name before he is appointed; now and then a subsequent reorganization of a particular service will entail a reduction in vacant posts during the current year or shorter period.

It is customary to notify candidates of their eligibility for appointment within three months or less of the completion of the examination. In fact, the smaller personnel jurisdictions make it their practice to send notification at once. There is no uniform rule with regard to the transfer of names from one employment list to a subsequent one. Generally speaking, names on "aptitude" lists may be transferred to the following year's list. If, on the contrary, the list applies to a specific set of vacancies, such transfers are not made.

H. APPOINTMENT AND ASSIGNMENT

The final step in the process of outside competitive recruitment is the official act of appointment. Depending upon importance of the position, this may take the form of a governmental *décret* (ordinance) or a departmental *arrêté* (order). For intermediate and inferior posts it is usually the latter. If the appointment be to a field establishment, preference as to residence is accorded in order of merit, although political or personal influence appears not infrequently to affect assignment to posts. The timely word of an important senator or influential friend will often bring an assignment in one's own city or region without strict regard to the appointee's position on the employment list.

French constitutional lawyers are fairly well agreed that the appointment of a public fonctionnaire is an uni-lateral act

¹⁵ Reply to the writer's questionnaire.

taking effect immediately upon publication in the appropriate government bulletin.¹⁶ For all major appointments this means the *Journal Officiel*. Whether there has been any formal acceptance or installation or not, the salary attached to the post begins to accrue from the day of official publication. According to most jurists the relationship of employee to the State is not a contractual one. The appointee benefits from all subsequent favorable changes in the legal status of his position; *mutatis mutandis* he stands to suffer any liabilities that may legally be placed upon it thereafter. The natural corollary of this view is that a strike of public employees is both legally and logically inadmissible.

The militant syndicalists vigorously contest such an interpretation. They contend that the fonctionnaire becomes as much a party to a collective labor contract as if he were entering private employment. He does not cease to be a "full" citizen, they argue, merely because he goes on the public pay roll. Indeed, he retains all his civic and economic rights as a Frenchman. If desperation drives him to strike as the only effective means of defending these rights, the fact that he is a member of the public service should not stand in his way. In outline, the unfortunate consequences of this bitter and prolonged conflict of opinion between officialdom and syndicalist leadership have already been intimated. Further detailed comment will be reserved for a later chapter.¹⁷

¹⁶ Hauriou, *Précis de Droit administratif*, pp. 590-596, 604, gives a cogent elucidation of this view.

¹⁷ Cf. Chap. X.

CHAPTER VI

INITIAL SELECTION OF PERSONNEL

We have seen that throughout the scheme of competitive selection for the French public service there runs a general dogma, namely, a profound belief in the efficacy of literary exposition as a device for discovering intelligence. To the Frenchman, it is intelligence, or what is sometimes merely supposed to be intelligence, which marks off par excellence the élite from the rank and file. In the educational system, "all French examinations are conceived as tests of intelligence operating over a broad perspective of co-ordinated knowledge rather than as attempts to check up a small body of new ideas without roots and without relationships. Aside from certain immediate casual connections, the latter are inevitably more or less a reflection of the memory, as compared with the long-range thinking required to systematize a great field of interdependent ideas."¹ This, in short, is the ideal behind the selective process for the administrative services, at any rate in their middle and upper reaches.

Practice and ideal most closely meet in the celebrated examination for the *agrégation*, which is the title required of all full-fledged *lycée* and university professors. Here "qualitative elements assume exclusive importance. . . . The candidate draws the topic for his oral test in medieval history say at 7 a. m. He is conducted to the library, given all the specific aids he can think to ask for, and there labors on 'The idea of papal power in the Middle Ages' until one o'clock. Then he takes his place at a little table facing a board of from four to six judges drawn from among the best scholars

¹ Learned, p. 55.

in France, and in the presence of whatever public desires to attend. This audience it is his task to entertain for forty-five minutes. The judges ask him no questions and make no comment. When finished he passes them his notes and departs.

"Thorough knowledge, penetrating intelligence, and engaging personality inevitably rise to the top in a contest of this kind where perhaps six are to be selected out of a hundred applicants. In the words of one examiner: 'We have never been obliged to say: His knowledge is perfect, he made no blunders, we shall be compelled to admit him; but how often have we exclaimed: He is deficient here and is weak there, but what intelligence he shows!' "²

This sort of test works best in a highly selective group of candidates for educational posts involving above all the power of intellectual exposition. It is also fairly well adapted to recruitment for positions requiring tact, a high degree of general culture, social intelligence, and limited initiative. Where responsibility for making important non-routine decisions is involved, one is less certain it will detect the requisite qualities. Nor, of course, is it applicable to the evaluation of technical and scientific skill.

With this in mind, we may proceed to classify for critical analysis specific recruitment methods in relation to the classes of personnel for which they are used. Broadly considered, four fairly distinct categories may be distinguished:

(1) *The general culture, quasi-theoretical type of test*, intended to select outstanding intelligence. Generally speaking, this is used to recruit the following groups of administrative and executive positions:

- Diplomatic and consular service
- Auditors on the Council of State
- Inspectorates, chiefly in the Ministry of Finance
- Senior clerkships (*rédacteurs*) in "political" departments, from which most bureau chiefs and, since 1928, many sub-prefects are drawn by promotion from within,

² *Ibid.*, p. 56.

(2) *The informational test of a quasi-practical character*, where the content is partially related to duties involved in the positions concerned. With varying orientations and in slightly differing forms, this type is employed in the initial selection of minor executive and clerical personnel, to wit:

- All ordinary clerical positions, plus chief clerks (*rédacteurs*) in "non-political" departments such as Commerce, Agriculture, Public Instruction, and the Postal Service
- Customs officials (except field brigadiers)
- Field staffs of the revenue services

(3) *The practical trade or performance test*, frequently non-competitive, for the recruitment of manipulative, mechanical, and custodial workers including:

- Mail clerks
- Typists and stenographers
- Bookkeepers, accountants and auditors
- Telephonists, telegraphers, and radiographers
- Mechanics and electricians

(4) *The limited special competition*, combining in various ways the appraisal of personal credentials (i. e., educational equipment, experience, testimonials and recommendations), formal testing, and informal interview for the recruitment of professional, scientific, and technical personnel, illustrated by the following:

- School teachers and university instructional staffs
- Magistrates (judges) and (since 1908) justices of the peace
- Engineers and architects
- Statisticians
- Archivists and librarians
- Interpreters and translators
- Laboratory scientists—chemists, bacteriologists, etc.
- Commercial attachés and agents.

Because the last of the foregoing categories stands rather apart from the others, it will be treated separately. Consideration of the first three forms the subject-matter of the present chapter.

A. RESPONSIBLE ADMINISTRATIVE-EXECUTIVE POSITIONS

Broadly speaking, the junior grades of the administrative and executive classes are recruited from university graduates under thirty years of age. In theory at any rate, these youths have before them the chance to move upward, albeit slowly in the majority of instances, to positions of great responsibility. For, as was suggested in Chapter IV, the merit principle nowadays operates in the upper strata of the service except for a relatively small area at the very summit. This area, where selection on political and personal grounds is still legally permissible, embraces at present only the following officials:

- Secretary-General (in the Foreign Office and P. T. T.)
- Heads of divisions in the principal ministries
- Prefects (appointed by the Minister of the Interior)
- Ambassadors and ministers in the Foreign Service
- A limited number of assistant divisional heads and bureau chiefs
- Members of ministers' personal cabinets (secretariats)

But, as we shall discover later in our case analyses of departmental personnel management, it is coming in practice more and more to be the rule to fill most of the foregoing posts with career men, that is, from the ranks of those admitted to the service by open competitive examination shortly after the completion of their formal university training. In other words, nine out of ten of the high administrative officials who manage the central departments and represent the full authority of the national government both *en province* and *à l'étranger* are ex-senior clerks, ex-sub-prefects, ex-cadets, and so on. The tenth, moreover, is likely to have had

extensive experience in public or professional life—as a judge, perhaps, as a member of parliament, or as an educator. In France “fresh blood” flows into the upper reaches of the official bureaucracy only through these rather well-defined channels. Rare it is that an ordinary business man or a “small-bore” party politician without administrative experience ever gains admittance by way of “spoils politics.”³

The Ministry of the Interior remains the chief preserve of patronage. Being the “political” channel connecting Paris with the local authorities, this ministry has more stubbornly resisted the advance of the merit idea than any of its neighbors. No professional qualifications are legally required for the office of prefect; and until 1928, the same situation was true of sub-prefect and secretary-general of prefecture. In that year, however, a decree was issued providing that in future all appointees to these intermediate prefectorial positions must either possess certain educational diplomas (university *licence* or *docteur*, or a certificate from specified professional schools), or have had at least three to ten years’ experience in the public service, depending upon the character of the positions held.⁴ According to the personnel officer of this ministry, this change is suggestive of an increasing tendency to fill all prefectorial posts, including that of prefect, by definitely graduated promotion from *within* the department. Forty-eight out of fifty prefects, it was emphasized, are now taken either from the lower grades of the prefectorial services or from the central offices of the ministry.

Let us now turn to an examination of the competitive methods that are utilized in selecting the four main categories of junior administrative-executive officers—cadets in the Foreign Ministry, auditors in the Council of State, the general inspectorate of the Ministry of Finance, and chief clerks

³ Ordinarily *chefs de cabinet*, even, are men with some previous administrative experience. They, of course, still tend to be favored over career men for subsequent advancement to permanent posts, although with decreasing frequency.

⁴ Decree of 5 Oct., 1928.

(*rédacteurs*) in the older executive departments responsible for the administration of the "primary" functions of the State (e.g. the maintenance of order, justice, defense, and finance).

(1) *The Foreign Service.* The French Foreign Ministry has for centuries been famous for the brilliance of its diplomatic and consular corps. This ministry, moreover, is one of the few departments of the French public service whose prestige seems unimpaired by the economic stringencies of the post-war period. Unlike the American Department of State, the Quai d'Orsay consists of an "amalgamated" establishment, its higher personnel, both in Paris and abroad, being recruited from a single pool. Between the Foreign Office itself and the diplomatic and consular services there is complete interchangeability.

To an annual competition held at the Quai d'Orsay is attracted the cream of the student group completing the diplomatic course at the *Ecole libre des Sciences politiques*. Most of the candidates will also have obtained their *licence* in law. Next to the *agrégation*, this competition is generally regarded as the "stiffest" of any given for entry into government service. Out of an average annual group of forty to fifty applicants, not more than ten or fifteen ever receive appointments.

First of all, eligible applicants are required to serve a preliminary probationary period of three months in the Foreign Office. During this period they must perform certain written exercises and undergo periodic interrogations. A special commission of three officials, plus a secretary, passes judgment on each young man, with special reference to his general *savoir faire*. He is rated on a scale of twenty. Three days before the written examination the list of those eligible to take it is fixed by the Minister upon the recommendation of this commission. This test is an exceedingly rigorous and mentally fatiguing operation enduring a minimum of seventeen hours. The following summary suggests how difficult it is:

SUBJECT-MATTER	HOURS	COEFFICIENT	POINTS *
1. Composition on diplomatic history since 1815	6	2	40
2. { Foreign language composition	2	1	20
{ Translation into French ...	1	1	20
3. Composition on economic geography	4	1	20
4. Composition on public international law	4	1	20
Optional: Translation into 1 or 2 other foreign languages	1	$\frac{1}{2} + \frac{1}{4}$	15
Totals	17 or 18	6 to $6\frac{3}{4}$	120 to 135

* Scoring: Each of five members of jury gives his individual rating. A minimum of 78 points is necessary for admission to the oral examination.

The oral examination extends through three days and covers the following:

SUBJECT-MATTER	DURATION	COEFFICIENT	POINTS
1. Exposé of a subject drawn by lot, after half hour's preparation, on the ethnic, political and economic development of States since 1815	10 to 30 minutes	2	40
2. { Reading and translation from a foreign language	Ibid.	1	20
{ Analysis of a French document in that language	"	1	20
3. Interrogations on Commercial and maritime French policy and law	"	1	20
French and foreign public finance	"	1	20
Public and private international law	"	1	20
Optional: Translation from 1 or 2 other foreign languages	"	$\frac{1}{2} + \frac{1}{4}$	15
Totals	70 min. to 3½ hours	7 to $7\frac{3}{4}$	155

In determining the final score, the probationary rating multiplied by a coefficient of two is included. The total maximum score, therefore, is 330 points. A score lower than six in any section of the entire battery of tests definitely eliminates the testee. From the total score of all candidates who are not war veterans, ten points are deducted.

Provided there are sufficient scores of 200 points or better, the number of applicants certified for employment by the examining board ordinarily corresponds with the number of vacancies to be filled during the following year. If the results of the test do not justify the certification of this number, additional tests are held. Since the war, this has been necessary on more than one occasion. According to Foreign Office regulations, candidates may take the examinations as many as three times. A considerable number of the initially unsuccessful avail themselves of this privilege and frequently obtain appointments after a second or even a third trial.

A few random samples of questions used in these examinations will illustrate their content. In 1927 the written compositions included the following topics:

Diplomatic history: "French policy regarding the Rhine from the Congress of Vienna to the Treaty of Versailles; territorial changes, diplomatic negotiations and projects, the movement of public opinion."

Economic geography: "The United States—the development of their natural resources, their industrial production, their ethnic constitution, and the motivation of their foreign economic policy."

International public law: "Neutrality considered in relation to the Covenant of the League of Nations."

For the oral exposés, equally significant specimens may be cited:

Irredentism in Europe

The formation and evolution of the British Dominions

Serbia since 1869

Europe on the eve of and after Sadowa

The Irish question since 1815

The formation of Italian unity

The question of the Straits

Bismarck

Gladstone

Cavour

As has already been suggested, the chief purpose of such questions as these is to test the candidate's ability to express himself in a lucid, forceful manner. The examiners are more interested in his intellectual breadth than in the profundity or meticulous accuracy of his knowledge. It is from this select group of young men, averaging about twenty-five years of age, that future French consuls and diplomats are developed. In recent years, perhaps the most suggestive trend in their selection has been a relatively increasing emphasis upon the economic and geographic aspects of international relations rather than up on the diplomatic and legal side.⁵

(2) *The Council of State.* An equally comprehensive, though less fatiguing, examination is required of all appointees to the position of *auditeur* on the staff of the supreme administrative tribunal. On the average, about twenty candidates compete for about four vacancies every year. These posts are as keenly coveted as those in the Foreign Service. The age range for the competition is from twenty-one to twenty-six years, but on account of the long duration of preparatory studies, together with military service, few men younger than the maximum compete. Since this examination is generally similar to the one we have just described, only the important deviations need be noted.

The chief difference is that both the preliminary and the final sections of the examination include oral as well as written exercises. No logical explanation of this greater emphasis upon

⁵ Sir Arthur Salter once remarked, following a tour of southeastern Europe, that in every national capital he found the British diplomatic representative amazingly ignorant of the economic conditions of the country to which he was accredited. All of which moved Sir Arthur to observe that should he ever preside over the British Foreign Office, his first act would be to turn out of the Foreign Service the entire lot of men trained in the classic tradition of Oxford and Cambridge and bring in men who knew international economics.

the oral exposé could be elicited. One sensed, however, that it came from a desire to be sure that the applicant's social background and *savoir faire* were acceptable to the standards of a highly selective staff, the members of which are constantly in intimate contact with one another.⁶

In subject-matter, this examination covers a wide range of legal, economic, and administrative information:

- Constitutional law
- French judicial organization
- French administrative organization and functions
- Principles of French civil law
- Principles of public international law
- Elements of economics

All but three of the successful candidates during the thirty-year period ending in 1927 had been graduated from the administrative and economic sections of the curriculum of the *Ecole libre* and most of them were *licenciés* in law as well. Accordingly, it is apparent that this examination is well coordinated with a pattern of training without parallel in non-Continental countries. Into the pattern are woven economic and administrative, as well as legal, materials. It is an excellent example of the broad sort of training for the bench upon which numerous critics of the American judiciary are coming to insist. In France, the result has been a type of administrative judge who is both qualified and disposed to appreciate the basic social and political setting of the cases which he has to adjudicate. In large measure, the great prestige of the French Council of State has been derived from the admirably trained personnel that has been drawn into its halls. This personnel, moreover, has attained an extraordinary degree of freedom from interference from the politicians because the

⁶ One candidate admitted to the writer that he had been discreetly questioned concerning the economic and social status of his family. At the same time, there have been numerous cases in which sons of shopkeepers and elementary school teachers have been admitted as *auditeurs* and rapidly promoted to *maîtres des requêtes*.

Government as well as the public has been led to place increasing confidence in the fairness of its decisions.

It is only proper to add, on the other hand, that certain sympathetic commentators on the Council of State have in recent years voiced the fear that the preparation for service on its staff is too theoretical. These critics have suggested that the rigorous general examination to which we have just referred ought to be supplemented by an administrative apprenticeship, whereby the young jurist might acquire a modicum of practical experience in handling problems in the field before being called upon to pass judgment on complicated controversies facing the Council of State. In part this argument is answered by the system which prevails for recruiting the two superior grades of the court's staff. One-fourth of the *maîtres des requêtes* (the next higher rank) and one-third of the councillors themselves may be chosen, if the Government desires, from the ranks of active administrative officials. Theoretically, this provision permits infusion of fresh blood and practical experience in administrative affairs. Most of such appointees, however, are men of sixty years or over who tend to regard service on the court as the placid reward of an active career. They do not ordinarily play a very energetic rôle in its work.

Reversing the sequence of training, young *auditeurs* are themselves eligible for appointment to administrative positions after eight years of service on the Council of State. A goodly proportion of the twenty-two leave the court to become sub-prefects, secretaries of prefecture, and occasionally bureau chiefs. Here the business of administration is enriched by an influx of highly trained men in the early thirties who have already for a time viewed administration as detached legal arbiters.

(3) *General Inspectorate of the Ministry of Finance*. Almost as highly prized as appointments to the foreign service and the Council of State are careers in the general inspectorates

of certain ministerial departments, notably the Ministry of Finance. The last-named inspectorate consists of approximately a hundred picked men organized into six grades, whose business it is to make constant field inspections of the way in which the assessment and collection of taxes are being conducted, to supervise accountable officers of the Treasury, to audit their accounts, to detect fiscal frauds, and to suggest methods of accelerating revenue collection and increasing its yield. Recruitment at the base (for the post of *adjoint*) is by a special competitive examination held twice a year at the central office of the Treasury. Men between the ages of twenty-two and twenty-eight are eligible, provided they possess the degree of *licence* in law, or its equivalent. Here, again, most of the candidates are in fact products of the *Ecole libre*. While the conditions of recruitment have been greatly disturbed since the war, the number of applicants admitted to the examination normally does not exceed sixty. Of these less than ten ordinarily receive appointments. The fortunate enter the service with the expectancy of promotion upward to the rank of "general inspector," with a stipend and a prestige fully equal to that of an important bureau chief.⁷

The examination for entry into this service approaches more closely the quasi-practical type than either of the two thus far noted. But it still has a decided theoretical bias. The written part of it embraces questions on:

- French administrative organization
- French public finance
- Economics
- Modern languages
- Arithmetic
- Geometry
- Surveying and physics

For the final oral test, selections are made from this subject-matter as the examiners see fit.

⁷ Almost without exception such positions bring nomination to the Legion of Honor.

Naturally, the most heavily weighted subjects here are public finance and economics. Specimen questions in this field reveal again the French proneness to handle large, general ideas as against specific factual materials. Below are a few questions chosen at random from the 1927 competition:

- (1) "The causes and consequences of movements of capital internationally: should the State interfere? If so, how?"
- (2) "What should be the rôle of the State in regard to speculation?"
- (3) "Explain how the State is meeting the engagements imposed upon it by the laws and conventions pertaining to war damages."
- (4) "In what instances and according to what rules are complaints relative to tax assessments submitted to commissions of experts?"

Only two of these four questions, it will be noted, have to do with specific factual data.

Candidates are permitted to repeat this examination once if they fail, as many do initially. Upon appointment, they receive the probationary title of *adjoind* (assistant). Before they are given the more permanent rank of fourth class inspector, they must not only satisfactorily make two field inspections, but pass an aptitude test, the latter bearing upon the detailed procedures of their service.⁸ Contrary to ordinary practice, the examining boards used here both for the entrance and the aptitude tests consist entirely of Treasury officials.

Similar methods are used in selecting the inspectorates of the Ministry of Colonies and of the postal, telegraph and telephone administration, except that in the latter, the selection is made not from outside applicants, but from subordinate grades within the service.

(4) *Senior Clerks (Rédacteurs) in "Political" Departments.* The *rédacteur* is a type of French government clerk for which there is no longer an exact parallel in American public administration. His work is a melange of editorial and clerical activ-

⁸ Designated grades in other administrative units are allowed to enter this competition.

ities. He is to be found in almost every office, big or small, central or provincial. On the one hand, he prepares reports, edits documents, and occasionally drafts ordinances, even legislative bills. In this sense, he may exercise considerable minor executive responsibility, if he is not at times engaged in actual administrative policy-making in "political" ministries like the Interior and the Treasury. Seldom, however, does he ever have to handle field situations involving immediate decisions and quick judgments.

In a second sense, he functions *par excellence* as a routine "office" man, with the latter's microscopic vision. Much of his time and energy is consumed by purely clerical operations which in any thoroughly modernized office would be performed by first-class stenographers and typists. His desk is all too often the focal point of that web of "red tape" which entangles French officialdom. It was the *rédacteur* to whom Balzac and Courteline turned in order to portray the "*rond de cuir*"—a type now classic in French novel and drama.

Occupying a position somewhere between the bureau chief and clerical staff, the *rédacteur* mirrors perfectly the *petit bourgeois* whose training may have ranged from the secondary school through the advanced technical school or university, and who always possess the ambition and hope of reaching the upper, if not the topmost, rungs of the administrative ladder. While the prestige and emolument of his position vary considerably, depending upon the department, it is usually the stepping-stone to promotion to assistant bureau chief, or where the latter rank does not exist, to head of the bureau itself. In a word, the *rédacteur* strikes one as a curious cross between a small scale "planning" executive and a routine clerk, with the latter aspect of his job overshadowing the former in the departments (or divisions) where the rate of promotion is so slow that stagnation for years before the same desk leads to the death of initiative and to general discouragement.

Recruitment for this post takes place both from the outside and from subordinate clerical and manipulative grades within

the service, provided the occupants have spent two years or more in government employment. In the main, entrance is by the former route, although a minority without formal educational credentials beyond the elementary school reach the *rédactorat* by way of lower subaltern posts.

Taking the Ministry of the Interior as an example, one finds that the *concours* for entry is open to candidates less than thirty years old from the two categories mentioned in the preceding paragraph. The preliminary written part of the examination consists of the preparation of a report, or *exposé*, upon each of two questions—one "general" and the other "special" in character—drawn from the following subject-matter:

GENERAL	SPECIAL
Political organization	Administrative functions—local
Fiscal and financial organization	and national
Economic and social organization	
Judicial organization	
Military organization	
Relation of Church and State	

The final oral part includes (1) questions within the scope of the above subject-matter and (2) the dictation to a stenographer of an administrative letter (in five minutes) after studying for fifteen minutes a given *dossier*. For purposes of scoring, these operations are weighted in favor of the written part in the ratio of ten to four.⁹

B. MINOR EXECUTIVE-CLERICAL POSITIONS

The line of demarcation between the first and second categories of recruitment methods is by no means clear-cut. If the principal objective of the first group be to secure a general measure of one's intellectual dimensions by testing his effectiveness of literary and verbal exposition, the second method

⁹ The test employed in selecting *rédacteurs* in the Treasury differs only in minor details from that which is here outlined.

subordinates this goal to more practical considerations. Since it is assumed that most of the employees selected by this second type of competition will never rise far above the grades to which they are originally appointed, greater emphasis is placed upon discovering the degree of proficiency with which they can presumably handle the duties of their respective jobs. But the medium for making this discovery remains essentially the same. Candidates are asked to give evidence of possessing what the examiners believe is the minimum of factual information necessary for the performance of the tasks they will have to perform. Little or no effort has been made by the personnel authorities to test by experimental psychological devices mechanical, emotional, or mental aptitudes. Instead, they ordinarily content themselves with appraising by time-honored conventional methods the level of educational achievement attained by the candidate in its relation to his future duties.

Concrete examples will illustrate in detail the processes of recruiting this second category of employment.

(1) *Ordinary Clerkships and "Rédacteurs"* in Non-Political Offices. In French administrative terminology, three terms are employed to distinguish minor executive and clerical positions: (1) *rédacteur*, the meaning of which has already been explained; (2) *commis*, whose duties, while they occasionally involve a modicum of office supervision, are principally copying, addressing letters, performing simple arithmetical operations, and filing; and (3) *expéditionnaire*, with duties differing from the foregoing mainly in being more routine in character. Below these three grades is the semi-probationary position of *surnuméraire* (supernumerary) through which newly appointed employees must pass, in many departments at least, before they can reach the more "permanent" grades of *expéditionnaire*, or *commis*, and later *rédacteur*.

A fair proportion of these semi-executive and clerical jobs have since the war been filled by women. As was explained

in Chapter IV, however, comparatively few women as yet fill chief-clerkships. Their numbers will doubtless increase in proportion as economic and social changes bring them more and more into public work, especially if and when they secure the suffrage.

Examinations for the recruitment of *rédacteurs* in non-political establishments like the Ministries of Commerce, Agriculture, Public Instruction, and the post office, and for the government printing office and State match and tobacco manufacturing plants, show the tendency to emphasize practical knowledge in contrast with the more general, cultural tests employed in the Interior and Treasury Departments. That the difference, however, is only one of degree will be seen from specific examples.

The Ministry of Commerce uses tests involving (1) the preparation of a report on some problem arising out of the administration of fiscal and industrial legislation, and commercial law, and (2) writing an "administrative composition" on some phase of economic and business organization. Similarly, the Ministry of Agriculture emphasizes an elementary knowledge of farm economics and rural organization; while the Ministry of Public Instruction and Fine Arts selects the *rédacteurs* that handle the multifarious routine operations of its central offices from those who know something about official educational regulations and organization. Excluding war veterans, who are accorded preferential treatment, nearly all who participate in these competitions must have the bachelor's degree or its technical equivalent (diploma of the *Ecole des Eaux et Forêts* in case of agriculture), which, in American terms, would mean at a minimum the completion of the sophomore year in college.

In the field establishment of the postal administration *rédacteurs* are recruited by regional competitions placing a still greater premium upon specific information. Aside from a few general questions on administrative and civil law and geography, and one exercise in French composition, the exami-

nation deals with the regulations and accounting system governing the P. T. T., and includes the preparation of brief reports on administrative procedure. There is also one exercise in elementary mechanical drawing. For the country as a whole, these regional competitions, which are exclusively written in character, attracted in 1927 over four hundred candidates for approximately a hundred vacancies.¹⁰

The entrance test for *rédacteurs* in the State printing office is less closely correlated with the duties which clerks in an industrial enterprise ordinarily perform. Here the written part covers spelling and punctuation, French composition, arithmetic, and an optional exercise in foreign translation. In his orals, the candidate is interrogated upon French history and geography, elementary economics, simple arithmetic, geometry, physics, and chemistry. In addition, twenty points are allowed if certain optional questions on the history, organization, and operations of the national printing office are answered. Even in this test, it is significant that the themes used for testing ability to spell and write grammatically almost always presuppose a knowledge of literature and philosophic criticism which few candidates for similar employment in America would be likely to possess. Furthermore, this test, as well as an almost identical one for appointment to the government match factory, consumes considerably more time,—seven to eight hours in all,—than do analogous examinations for clerical posts at Washington.

As one descends the ladder to ordinary clerical and book-keeping jobs,—*commis* and *expéditionnaires*,—the recruitment process becomes increasingly less difficult and more directly related to work to be performed after entry. A casual perusal of a score of examination papers employed for these grades, however, reveals only minor variations. In content and emphasis, they are normally written tests only. In every instance the major part is confined to elementary problems in spelling, punctuation, grammar, arithmetic, and physical science. Along

¹⁰ *Rapport des P. T. T.* (1927), p. 73.

with these will usually be a number of questions on the organization and functions of the bureau or division concerned. Even for these subaltern posts, the average level of schooling attained by successful candidates is surprisingly high, most of them having gone two or three years beyond the upper elementary school, not a few having completed the (*lycée*) course for the *baccalaureat*. In a few divisions, candidates with still higher academic degrees (*licence* or equivalent) are excused from the *concours* and appointed directly upon application.

(2) *Revenue and Customs Agents*. Next to the postal establishment, the Treasury employs the largest field staffs doing varying combinations of executive, clerical, and manipulative operations. Denominated by a multitude of titles, these thousands of internal revenue and customs agents are nowadays competitively recruited. Except for the quasi-military personnel of the "travelling brigades" and frontier patrols of the customs administration, a personnel chosen exclusively from ex-service men having served a minimum of four years with the colors, entrance into the various revenue services is by open examination.

The establishment of this principle means that the men (and some women) who examine and fix the duty on imported goods, who prepare, revise, and verify tax assessment rolls, and who collect taxes, must have become generally familiar with the outline of tax legislation, Treasury regulations, and the principles of evaluation, and possess a minimum level of competence in arithmetic and bookkeeping prior to entering upon their official duties. The latter are, of course, so highly specialized that the subject-matter and emphasis of the informational and performance tests admitting to specific positions present numerous variations of detail, depending upon whether the work consists of inspecting merchandise for payment of duty or touring the countryside with a view to bringing property assessment rolls up to date, or doing something else.

To cite more than a single further example of test contents would be as wearisome as, for present purposes, it would be superfluous. We shall take the post of *receveur* (collector) in the Division of Registrations and Stamps as typical of how junior revenue agents are selected. The *receveur* receives declarations from taxpayers, makes a record of the documents submitted, and collects the fee due on each registration. To secure appointment, he has to take a two-day written test calling both for the possession of information and the actual performance of certain office operations. The candidate is asked (1) to "register" a legal judgment, or other act, containing several different elements, (2) to declare a "succession" (inheritance) of property of different kinds, and (3) to prepare a lengthy report on Treasury organization and tax collection. If he survives this preliminary written examination, he is then obliged to submit to an interrogation on the French system of indirect taxes by a special board (appointed by the Minister of Finance) which travels from place to place to interview applicants.

(3) *Typists and Stenographers*. These employees, nearly all of them women, are recruited in their late 'teens and early twenties from persons having had a varying amount of elementary schooling, plus supplementary training in an *école de commerce*, an institution somewhat analogous to the ubiquitous American business college.¹¹ The *concours* used to select stenographic personnel for government offices is typified by the following (employed by the P. T. T.):

EXERCISES REQUIRED	MAXIMUM TIME ALLOWED	COEFFICIENT
Typing of a document, including tabulation	30 minutes	5
Stenographic dictation, at 90 words a minute, and transcription of notes	90 minutes	5
Spelling and writing test	Variable	4
Questions on elementary geography	60 minutes	1
Simple arithmetical problems	30 minutes	1

¹¹ In 1925 there were 84 of such schools for boys and 22 for girls.

To pass this *concours*, the examinee must make, on the usual scale of 20, at least 15 points in typing, 12 in stenography and spelling, and 10 in each of the other tests, and for all a total of at least 72 points. If several candidates score the same number of points, priority goes to those with the highest scores in typing. In 1924, for 2,425 vacancies, there were 5,552 candidates in the regional *concours* (P. T. T.), of whom 1,645 passed.¹²

(4) *Bookkeepers, Accountants and Auditors*. These are selected by a similar but more rigorous process, the chief difference being that they must be men and have a minimum degree of technical proficiency in bookkeeping and accounting before seeking admission. In addition to covering quasi-technical problems in this domain, the entrance test presupposes the ability to answer questions of fact pertaining to the tax administration, the public budget, and the legal aspects of government purchasing.

Any one who has struggled with the inadequacies and errors in French statistical documents knows how backward government accounting and auditing are in comparison with what they are in Britain or the United States. The use of modern cost accounting seems to be almost unknown in the executive departments at Paris.¹³

C. MANIPULATIVE-MECHANICAL-CUSTODIAL WORKERS

(1) *Postal Clerks and Letter Carriers*. The rank and file of 150,000 French postal, telegraph, and telephone employees fall into three main groups:

(1) Letter carriers, rural and urban, consisting chiefly of able-bodied or slightly incapacitated ex-service men appointed by the prefect after an easy qualifying test;

¹² *Rapport des P. T. T.* (1924).

¹³ The central offices of the Treasury employed in 1926 over 300 men with the official title of *commis d'ordre et de comptabilité*, but few of these possessed the technical competence of full-fledged accountants.

(2) Engineers and technicians, the recruitment of whom will be discussed in a later section; and

(3) Postal clerks, including railway mail clerks, who are always men, and women office employees (*dames employées*) who work at counters and windows (*guichets*).

For the third group, the condition of admission is an "aptitude" test, for which the pre-requisites include a certificate of physical soundness and the completion of at least an elementary school education. The test given to supernumerary candidates is as follows:

REQUIRED SUBJECTS	OPTIONAL SUBJECTS
Spelling	Economics
Composition	History
Geography	French political and administrative organization
Arithmetic	French literature
Algebra and geometry	Accounting
Physics and chemistry	Applied electricity
	Mechanics
	Foreign language translation

The more optional subjects passed creditably, the better are the chances of a high final rating in the competition, which is often quite keen. Besides the above required subjects, women applicants are examined on their knowledge of postal, telegraphic, and telephonic regulations. Women, however, are allowed only one optional subject: translation into French of a passage of English, German, Spanish, or Italian prose.

(2) *Telephonists, Telegraphers, and Radiographers.* By reason of the fact that the French telegraph and telephone industry is State-owned and operated, the government has the complex task of equipping and manning these two highly technical services. Administratively, they form divisions of the "P. T. T.," as the whole establishment is commonly called by the French public,

The telephone girl is the target for a constant stream of public abuse in France. As any one who has had occasion to try to use French telephones well knows, there is ample cause for this. In large part, of course, it is due (1) to the inferior technical equipment with which "central" has to work, and (2) to the demoralizingly miserable pay she receives.¹⁴ But it is also a result of the failure to develop an up-to-date psycho-technical process for selecting and training the operators themselves.

So far as the writer could discover, there has been almost no appreciation by government personnel chiefs of the enormous progress made since the war in other countries in the development of psychological testing. The French, along with the British, have lagged decidedly behind other Continental countries in this regard. As early as 1921, the Germans began extensive experimentation with these new types of tests in their postal establishment.¹⁵ The Italians and Russians have similarly forged rapidly ahead. But the French attitude strongly resembles the British in being, on the whole, indifferent, if not skeptical. This point of view is amusingly typified by the observation made to the writer in 1927 by a distinguished member of the British Civil Service Commission. "When psychological testing for the civil service was tentatively proposed by the Treasury to the House of Commons," he remarked, "the proposal was killed by ridicule as too 'jazzy'!"

To be sure, the French telephone administration did try an abortive experiment with psychological methods of selection for a short period just after the war. A special laboratory

¹⁴ According to a comparative analysis published in *L'Europe nouvelle*, 26 March, 1927, France at that time ranked seventeenth among the nations of the world in the number of telephone subscribers per 100 inhabitants and fourteenth in the average number of messages per year per capita. Subsequent technological improvements have resulted in an appreciable expansion of telephonic communication in France, but it is still far below that in Germany, the Scandinavian countries, or America.

¹⁵ Cf. P. Devinat, *L'Organisation scientifique du Travail en Europe* (Geneva, 1927), pp. 250-251.

was set up in which each girl was obliged to undergo a test covering the following mental traits: attention, memory, and precision. (It might well have included courtesy under stress!) After a month's practical training, the test was administered a second time. Out of a class of twenty surviving the first test, two or three more were ordinarily eliminated by the second. The final survivors were then graded according to merit, the low-ranking candidates being assigned to the less important exchanges. This laboratory, however, was closed by the department for lack of funds and had not (by 1929) been re-opened.¹⁶ The old tradition that special aptitudes can be adequately discovered by free-answer, information tests and then developed by a short probationary period of training (during which the poor public is the victim!) continues strong in France. In consequence, one congratulates himself when he succeeds in getting his party at the other end of the line within ten or fifteen minutes, especially if he is talking from a public telephone booth.¹⁷

The nearest approach to a thoroughly psycho-technical process of recruitment is probably to be found in the Naval Laboratory at Toulon. The scarcity of material after the war for filling such positions as radio-telegraphers in the Navy led the authorities to try psycho-technical devices in the hope that greater proficiency might be developed with a smaller personnel.¹⁸

¹⁶ In spite of the established success of the psycho-technical devices developed by experimental psychologists for the selection and training of motormen and autobus drivers in the municipal transportation services of Paris. Cf. J. M. Lahy, *La sélection psychotechnique des Travailleurs* (Paris, 1927).

¹⁷ The progressive installation of automatic telephones in the large cities, especially Paris, bids fair to speed up the service.

¹⁸ My attempts to secure from the French Navy information describing these methods ended in vain. My inquiry, submitted first to the Director of Personnel, elicited the response that such a request must come by way of the American Naval Attaché in Paris. The latter officer referred the inquiry to the Director of Naval Intelligence in Washington, who, after considerable delay, decided that the American Navy preferred not to request the French authorities for the information for fear that the latter might ask in return for information that the former would not care to release. In view of my assurance that the purposes

In the P. T. T., radio-telegraphers are recruited partly from inferior classes of employees who are forty years old (or over) and have had at least three years of service, and partly from outside applicants of twenty-six years or more. Both groups of candidates must pass a rigorous test consisting (1) of written exercises on electricity and magnetism and French composition, (2) of a practical demonstration of ability to transmit and receive the Morse code, and (3) of an extended oral quiz on wireless telegraphy. Before receiving appointments as "under-engineers" in the radio-telegraphic service, the successful candidates are further required to pass a satisfactory trial period in a government broadcasting station.¹⁹

(3) *Mechanics and Electricians*. These represent a category that lies intermediately between highly trained scientific or professional workers and ordinary laborers. Its scope is so miscellaneous that any attempt at complete enumeration would be as wearisome as unnecessary. A fragmentary list of the more important groups of employees in it would include:

Chauffeurs (chiefly in P. T. T., Public Works, War, Navy, and State industries)

Mechanics and machinists (similarly distributed)

Draftsmen (similarly distributed)

Electricians (chiefly in telegraph, telephone, and radio units)

Linemen (in telegraph and telephone services)

Mechanicians (*adjoints techniques*) in the divisions of mines and of roads and bridges

Each administrative department or smaller unit fixes the conditions under which the foregoing are recruited. Broadly speaking, they are chosen from young men up to the age of thirty or thirty-five by special entrance competitions, although in many units, semi-skilled laborers having served a fixed

for which the information was being sought were wholly scientific, this constitutes a significant footnote on official nationalism as an impediment to scientific investigation: between the dates of initial inquiry and final refusal four months had elapsed.

¹⁹ In 1927 France had fifteen broadcasting stations, seven of which were governmentally operated. Cf. Hayes, *op. cit.*, pp. 174-176.

minimum period as subordinate government employees and survived a special course of training have prior rights to appointment to these higher grades even if older than the maximum age set for outsiders. This arrangement, for instance, is used in recruiting *agents mécaniciens* for the shops of telegraph and telephone administration. Unless they can produce satisfactory references as apprentices, all outside candidates must also have completed a course of technical training in an accredited national or municipal vocational school. Since the student clientele of these schools is already carefully selected on a merit basis, the preparatory equipment government mechanics bring to their duties is fully as good as that which is attracted into private industry.

Outside applicants for *agents mécaniciens des P. T. T.* are subjected to an aptitude test lasting ten hours, as follows:

- (1) Construction of a piece of telegraphic or telephonic apparatus
- (2) Written exercises on electric installation and arithmetic, and a report on and a design of a given piece of electrical apparatus
- (3) Oral questions on some selected phase of telegraphy or applied electricity

If successful in this competition, candidates are placed on probation as *agents mécaniciens stagiaires* and required to pursue a continuation course of practical training in the Paris division of the telephone system. At the termination of this course, they submit to a second examination, following which they are ranked according to merit and permitted to indicate preferences as to posts to which they would like assignment, the highest-ranking men having priority.

(4) *Unskilled Labor and Custodial Work.* The conditions under which almost every kind of manual labor may be engaged by the government are elaborately regulated by statute and administrative order, even though the term of employment be only temporary. The concerted pressure of trade-union organizations has been largely responsible for these

safeguards. Furthermore, manual labor is, for purposes of pay, advancement, and security of tenure, elaborately classified, some titles having identical meanings inter-departmentally, others connoting varying duties and degrees of responsibility.

The most ubiquitous of the captions used to identify unskilled employees are (1) *concierge* (custodian or janitor) and (2) *gardien de bureau* (doorman). Every important government office is garnished by another petty "personage"—the *huissier*—whose function seems to consist chiefly in haughtily carrying visitors' cards in to the minister or bureau chief, while Mr. Humble Citizen patiently (?) cools his heels in the sombre ante-room! The term *ouvrier* is usually applied only to workers doing routine physical operations with their hands, or, if in a State industrial establishment, with machines. Messengers and charwomen are differentiated from *ouvriers* in the official classification. Attention was called in Chapter IV to the fact that from three-fourths to all the vacancies filled by manual laborers in most departments are reserved for veterans, some able-bodied, some partially disabled, depending upon the nature of the work to be performed. In proportion, however, as the manual dexterity and judgment it requires increases, a non-competitive performance (aptitude) test, including evidence of physical fitness, is likely to be imposed as a preliminary condition to employment.²⁰ The names of those satisfying this simple test are placed on an employment list in chronological order of application.²¹ Occasionally, when it becomes necessary to employ a temporary labor supply in great haste in order to meet an emergency, these regulations are dispensed with; but such exceptions rarely occur.

One other word about government custodial and ordinary mechanical workers is here in order. There is no question that their number is excessive. With a little more ingenuity

²⁰ For special forms of work in the P. T. T. war veterans must present a *certificat d'aptitude professionnelle*. (Fascicule II B., p. 89.)

²¹ As indicated in the bulletin on *Les Conditions d'Admission d'Ouvriers* issued by the National Printing Office.

in management and the installation of modern labor-saving devices, a substantial shrinkage in the array of routine employees, mechanics, *concierges*, office boys, and the like could undoubtedly be effected. But since it is the line of least resistance to yield to political and—in some degree—humanitarian considerations, improvement comes with discouraging slowness.

Critical Observations. The preceding analysis of recruitment techniques suggests three critical observations. First of all, on the side of training prior to undertaking responsible administrative work, the need of greater attention to the psychological and technical aspects of administration is apparent. Neither from the courses offered by the *Ecole libre des Sciences politiques* nor from the regular university curricula do the chiefs of bureaus and divisional directors receive any genuine understanding of the capital importance of "management" in the sense in which it is understood in modern industrial organization.

The "business" of government is as important in France as in any country—more so, in fact, than in many, because of the multifarious economic and social functions performed by public bodies. Yet to most of the young men who enter the public service expecting to make life careers in it administration seems chiefly a matter of history, legal controls, and organic structure. When it comes to the subtle domain of "personnel relations," the excellent pattern of cultural training which they know leaves them largely dependent upon the methods of "trial and error." Even the French business world is only beginning to provide facilities for experimentation with psycho-technical devices for selecting and managing labor. A movement initiated in 1920 by an eminent industrial engineer (M. Henri Fayol) has, however, led to the establishment of a number of schools, laboratories, and conferences on the ramifications of scientific management as broadly construed.²² It

²² The more important of these schools, etc., are the *Centre d'études administratives*, created directly by Fayol; the *Société d'encouragement pour l'Industrie Nationale*; the *Comité Michelin*, organized to give

would seem that selected groups of candidates for important administrative posts in the government might profit much from participation in the work of some of these institutions, or, better still, from a special course in management which might be developed by the State for the "formation" of its permanent upper staffs. It is certain that the potentialities of the youthful élite who now go into government work are far from being realized.

The second criticism emerging from our survey is in part a corollary of the first. For subordinate posts in particular, entrance examinations are not adjusted to the sort of duties that most of the successful examinees are destined to perform the rest of their lives. Some of these tests, as we have seen, require of the candidate virtually an "encyclopedic" knowledge, even if superficial in character, little of which he will ever have opportunity to use as a civil servant. "For the work of the Civil Service in its various grades," aptly observes a British civil service commissioner of long experience, "you want recruits who are amply good enough for the duties they will have to perform, but not too good for their duties. . . . It is not only wasteful of money and men to put good talent for many years on mechanical work, but it actually tends to destroy talent."²³ Putting the matter in slightly different form, if the commendable ideal of attracting an élite to the public services is extended to the domain of routine and semi-routine operations, the breeding of future malcontents may result. Nothing can be worse for the morale of any administrative organization than the brooding sense of disappointment which arises from a balked career.²⁴

promising engineering students periods of practical experience in industrial methods during the course of their engineering training; the *Ecole des hautes études commerciales*, consisting of conferences on the organization of industrial and commercial enterprises; and the *Ecole d'administration et d'Affaires*, founded and operated by M. Joseph Wilbois with a view to giving technical and administrative training to young industrial managers. Cf. Devinat, *op. cit.*, pp. 78-80.

²³ Sir Stanley Leathes, "The Qualities, Recruitment, and Training of Public Servants," 1 *Journal of Public Admin.* (1923), pp. 343-362.

²⁴ Certain personnel officers and publicists recognize this fact. Cf.

Here, again, much would be gained by thorough job analyses and the development by experimental methods of types of tests more closely fitting the job at hand. In place of a rule-of-thumb reliance upon a succession of free-answer-memory tests from year to year, intelligent, progressive personnel policy demands a constant testing and re-testing of the selective value of recruiting devices. The consolidation of certain "special" *concours* for what are similar positions would be desirable in the interests of economy and simplicity. For "assembled" formal examinations for subordinate posts, academic ratings prior to entry might in part be substituted. All too often the questions asked on these formal tests are not only excessively difficult, but clearly absurd. Why, for instance, should future copyists be tested on their ability to establish a literary parallel between Racine and Corneille, or be asked to expatiate upon the existence of God? Obviously, the possession of a theoretical culture has for day-to-day practical work little effective relation to the usefulness of the employee.

Thirdly, the percentage of misfits would be materially reduced if the probationary stage were more effectively utilized to discover whether personal aptitudes fit the job. At present, except possibly in the Foreign Office, the requirement of a period of probation before definitive appointment seems largely perfunctory. More than one personnel officer will admit with an ingenuous shrug of the shoulders that it is "a farce!" There is apparently no attempt at vocational guidance anywhere in the French public service. During the initial stages of their employment, men are seldom re-assigned or transferred to a different type of work for which they appear better adapted. On the contrary, it is apparently assumed that they possess or can easily develop capacities which will make them actively interested in their duties. Small wonder that

French government offices are cluttered with indifferent "routineers" whose personality focus lies outside the drab walls surrounding them during their working hours. Superior talent demands an outlet somewhere.

CHAPTER VII

THE RECRUITMENT OF EXPERTISE: PROFESSIONAL AND SCIENTIFIC

Not only does the French State provide a far-flung system of specialized training for professional and scientific work, but it undertakes to ensure that the institutions of the State itself will be manned by the potentially best talent which this system is capable of developing. When it is remembered also that, counting educational staffs and the judiciary, nearly a third of the national government's pay roll is absorbed by personnel falling within this category, there can be no doubt of the capital importance attached to the selective devices by which the "cream" of this talent is skimmed for the public service. In France, even engineers and physical scientists are developed primarily with a view to an apprenticeship of several years in government work, if not in the majority of instances, a life career. In contrast with what has been the usual order of things in the United States, the research and consultative branches of French industry, as well as indeed the liberal professions, are prone to draw their expertise from the ranks of promising younger personnel in the public services rather than the latter having to look to the former. That this "reverse" process has elements of strength as well as weakness for the relations of government with business and professional life is obvious. But just how these elements play against one another can be understood only after we have appraised the specific procedures of selection in their relation to governmental promotion and compensation policies. The present chapter will initiate such an appraisal.

A. PUBLIC SCHOOL TEACHERS AND UNIVERSITY STAFFS

Approximately one-fourth of the entire national civil service in France is administratively under the jurisdiction of the Ministry of Public Instruction and Fine Arts. This Ministry is organized into five major divisions which direct the entire system of public education of France, as follows:

Elementary Instruction
Secondary Instruction
Higher Instruction
Technical Instruction
Fine Arts

Each division is presided over by a director appointed from properly qualified educators by the Minister.

For purposes of educational administration, the country is divided territorially into seventeen districts (*académies*), at the head of each of which stands a *recteur*, also appointed, ordinarily from the corps of university professors, by the Minister. To the *recteurs* are delegated wide powers of appointment, supervision, and inspection over all branches of the educational system in their respective jurisdictions. Working partly under the *recteur's* orders and partly under instructions issued directly from Paris, there is also a large corps of inspectors, at least one, often more, being assigned to each *département* within the *académie*.¹ With few exceptions, these *inspecteurs d'académie* are men who have had successful careers as secondary or university teachers or educational administrators.

Broadly, the elementary schools in each *département* are subject to the inspector's orders. Not only does he make frequent visits to all the schools in his district, from the kindergarten to the *lycée*, but he "nominates" candidates for their teaching staffs.

¹ France is divided for general administrative purposes into ninety of these territorial *départements*.

Exercising more immediate authority over elementary schools in each sub-district (*arrondissement*) there is a subordinate inspector (*inspecteur primaire*). He also advises in the appointment and promotion of both men and women teachers (*instituteurs* and *institutrices*).

The authority of each *recteur*, *inspecteur d'académie*, and *inspecteur primaire* is confined to his respective territorial circumscription, in which he must also have residence. Over the country as a whole operates what may be called a "super-inspectorate" consisting of seventeen *inspecteurs généraux de l'enseignement secondaire* and twelve *inspecteurs généraux de l'enseignement primaire*.² These are carefully selected officials of considerable practical educational experience whose duty it is to make field inspections from one corner of France to another as prescribed by the central ministry. The general inspectors for secondary education divide the curriculum with a view to making a more rigorous specialized inspection than is made by those responsible for elementary instruction. By a functional division of labor, each member of the former group is responsible individually for inspecting instruction in one of the following subjects: philosophy, literature, history and geography, modern languages, mathematics, natural science, and design. Unannounced, these roving representatives of the national ministry visit classrooms to observe the quality of teaching, and actively participate in the deliberations of local promotion boards and the various advisory committees with which the French educational system is honey-combed.³

(1) *Elementary Teachers*. The general principle which governs the process of recruiting French school teachers of whatever grade is that every appointee must possess a certificate of professional capacity corresponding to his function. For *instituteurs* and *institutrices*, this normally means (since

² Such central inspectors are held not to be necessary for university instruction, the control of which rests to a greater degree with each local university faculty.

³ Cf. Chap. XII for a discussion of the rôle of some of these advisory committees.

1923) the *brevet supérieur*, to obtain which it is necessary to complete a three years' course in one of the normal schools provided in every *département* for pedagogical training, and then pass a special written and oral examination.⁴ Admission to these normal schools, which serve as "veritable pedagogical nurseries," is competitive. Successful applicants receive State scholarships providing free instruction, board, and lodging. Until recently, the program of study was noted for its extreme rigor, with little time allowed for play or sports; but nowadays the weekly schedule is somewhat lightened and an increasing degree of inter-class sports is being introduced.⁵

While expressing their general admiration for the high intellectual stature developed by the French system of teacher-training, some foreign critics have suggested that it tends to produce a precocious maturity likely to result in an ultra-serious outlook on life. The French would answer that the ultimate result they are constantly seeking is to breed "*des savants!*"

Before receiving permanent appointments as *instituteurs titulaires*, all candidates must serve at least two years on probation as *instituteurs stagiaires*. From among these "teacher-apprentices" the *inspecteur d'académie* "nominates" to the prefect those who are recommended for permanent positions. Although the prefect ordinarily follows the inspector's recommendations, the former still possesses, legally at any rate, a certain degree of discretionary authority. Occasionally he refuses to sign a commission because some influential local politician has intervened in favor of some one else or perhaps does not like the "radical" political views or "atheistic" tendencies of a particular candidate. When this situation arises,

⁴ Married women are exempt from this test by art. 122 of the law of 30 June, 1923. After two years of successful teaching, holders of the *brevet supérieur* must obtain a further *certificat d'aptitude pédagogique* before definitive titular admission to the cadres of public instruction is granted.

⁵ E. Pérochon, *L'Instituteur* (Paris, 1926), p. 22, presents a vivid portrayal of the hard daily routine French normal school students are obliged to undergo.

it is legally without issue. Yet it is admitted on all sides that politics no longer plays more than a minor, spasmodic rôle in the selection of the vast body of school teachers now numbering nearly 120,000. The basis of selection has become too "professionalized" to permit more than an occasional lapse into the morass of favoritism, whether personal or political.

Despite the meagre compensation they receive, it is still relatively easy to recruit elementary teachers. Materially, their position may not be so good as that of peasant, shop-keeper or artisan. But from the social standpoint, the teacher remains "*un personnage considéré*."⁶ What is more, the five-day week and six months' vacation serve as attractive considerations. All things considered, he enjoys greater intellectual liberty than any other *petit bourgeois* type, and he enjoys also the prospect of raising his professional status to the level of *lycée* professor. In recent years, more women than men have been seeking entry into the teaching profession. Where there are three candidates for a single vacancy among the men, there may be five or six among the women, the latter constituting at present over sixty per cent of the total number of elementary teachers. Here, at least, is an interesting but perhaps unfortunate rapprochement to the "feminized" grammar schools of America.

(2) *Secondary School Teachers*. "The unrivaled crown and glory of French education at any stage is to be found in its body of secondary instructors. No country in the world can show so powerful and so highly selected a group of scholars dedicated to a great public service. The reason for this is simple; in some respects most cruel. Those who, at 18 years of age, have completed the secondary curriculum, must then usually spend from five to seven years at the university in

⁶ Except in strongly Catholic communities where the fight against lay schools is stubbornly kept up. *Ibid.*, p. 19. Cf. Hayes, *op. cit.*, pp. 55-63, for an admirable summary of the rôle of the *instituteur* and *institutrice* in moderating the nationalistic emphasis in French elementary education. The radical point of view of the majority of teachers often whets the appetite of reactionary clerical leaders.

order to have even a chance of success in the *concours de l'agrégation* whereby the secondary masters are chosen. Success means government support for life in a position of marked distinction and prestige as *professeur* in a *lycée*. Failure means at best a repetition of the attempt and perhaps the far less desirable appointment to a *collège* (a municipally supported and somewhat inferior secondary school)."⁷

In general, there are two paths to the title of *agrégé*: (1) by way of a special normal school (*école normale supérieure*) for men, or a similar one for women, and (2) by reason of practical teaching experience in a *collège* or part-time instruction as a *répétiteur* in a *lycée*. The cream of the candidates follow the first path. Since this involves a more costly and difficult course of training, children of well-to-do parents would of course possess an advantage were it not again for the numerous State scholarships which have been established.

The final *concours* for the *agrégation* invariably brings out "a large throng of candidates, including many repeaters from past years." Rarely do more than ten per cent emerge successfully from this fatiguing battery of written and oral tests. The number of vacancies is always decidedly limited. Yet, so high are the standards that it is not uncommon for the number of *agrégés* to be insufficient to fill existing vacancies. To meet this situation, which has often arisen since the war, instructors of subordinate rank who have distinguished themselves in the municipal *collèges* and who usually have also passed the written part of the *concours d'agrégation*, are, as a stop-gap arrangement, placed in charge of courses ordinarily taught by titular professors.⁸ Even for *agrégés*, a practice stage of one year has to be completed before the permanent rank of *professeur de lycée* is conferred.⁹

Learned presents a fair appraisal of the quality of the

⁷ Learned, *op. cit.*, p. 26.

⁸ The title *chargé de cours* is used to designate men in this intermediate status.

⁹ Other conditions which must be satisfied are a minimum age of twenty-five and five years' teaching experience.

teachers that are developed by this exacting process. "Caring little for 'pedagogy' and therefore largely indifferent to the psychology of their pupils in the learning process, they do nevertheless serve constantly as brilliant examples of intellectual force and refinement. . . . Nowhere in the *lycées* does trivial and absurd 'instruction' turn education into a sickly joke, and beget in the pupil permanent scorn. If the French *agrégés* would as frankly recognize and deal with their problems of technique as they have with those of knowledge, they would be not only great scholars, but the finest teachers in the world."¹⁰ Certainly, one may venture to add, their superiority over American high school instructors as a class, as well as over the majority of American college teachers, in terms of cultural and scholastic attainments, stands unchallenged.

(3) *University Professors.* The teaching staffs of the State universities of France are selected by a process essentially like that which we have just outlined. The only important differences are (1) that a longer and more comprehensive course of scholastic preparation (doctorate as well as *agrégation*) is required, and (2) that since the chairs to be filled are relatively few, the aspirants for them face stiffer competition. The most highly sought prizes are naturally to be found at the apex of the educational hierarchy—the world-famed faculties of the University of Paris.

Broadly speaking, faculties of letters and of sciences are recruited at the base by the élite of the secondary instructional corps. *Lycée* teachers desiring appointment to a university faculty may formally apply to the Director of Higher Instruction at Paris. The latter keeps a blue folder (proudly shown by him to the writer) containing the professional *dossiers* of these candidates. Twice a year a ministerial advisory committee (*comité consultatif de l'enseignement supérieur*) draws up lists of those *agrégés* recognized as "apt" for places

¹⁰ *Op. cit.*, p. 26.

on letters and science faculties. On this committee are not merely ministerial appointees (*recteurs*, deans, professors, and administrators), but also members chosen directly by the faculties themselves. In order to win a place on an aptitude list, *lycée* teachers must ordinarily have attained scholastic distinction through scientific research or literary publications. Personality traits and pedagogical qualifications are allegedly taken into account, but there is a pronounced tendency (except in rare cases where an obnoxious personal characteristic may be known to a committee member who has been a colleague of the candidate), to give the latter factors only minor consideration.

From the *liste d'aptitude* for faculties of science, the Minister makes his selections as vacancies occur. He is not obliged to follow rigidly the order in which names appear on the list. As it was explained to the writer, the reason why he may thus exercise a limited discretionary power is that now and then a candidate may lack the "peculiar" qualifications needed to meet a local situation. Upon appointment to a faculty, the rank ordinarily conferred is that of *maître de conférences*—the normal gateway to a full professorship later on.

The faculties of letters are composed of three grades of instructional personnel; progressing upward, they include (1) the *maître de conférences*, (2) the *chargé de cours*, and (3) the *professeur titulaire*.¹¹ Original appointment is always either to (1) or (2), promotion to (3) being jealously regulated by the Council of the faculty concerned.¹²

The faculties of law (including, be it remembered, instruction in economics and political science) are recruited directly by a special *concours d'agrégation* held every two years. This is open only to men with the doctor's degree both in the "juridical" and in the "political and economic" sciences. This *concours* comprises seven hours of written essays and up to

¹¹ Formerly the rank of *professeur adjoint* was also used, but it has since the war been replaced by *professeur sans chaire*—an innocuous sop to *amour propre*!

¹² Academic promotion is discussed in Chap. XII.

ten hours of "oral lessons" in a variety of subjects presented before special examining boards after twenty-four hours of free preparation. Thus the secondary schools do not serve as "nurseries" for the development of law professors in the manner that they do for the personnel of letters and science faculties.¹³

Before the war, this competitive national system for skimming the cream of French scholarship admittedly gave brilliant results. It was the goal of almost every young savant to climax his career with a university full professorship, preferably, of course, at Paris. No other kind of professional work carried greater social prestige. But post-war conditions have made such positions somewhat less attractive. Fewer young men are competing for the *agrégation* and the complaint is frequently heard that the State, partly by refusing to adjust salaries upward, partly by maintaining such a slow rate of promotion, has been responsible for an insidious undermining of the level of pedagogical and scientific recruitment.¹⁴ In 1927, the economic situation seemed to be more acute for workers in the humanistic studies than for those in scientific fields like law, economics, medicine, physics, or chemistry. The former group have fewer opportunities than the latter to supplement their meagre salaries by outside work. The failure of the government, however, to provide adequate laboratory equipment and bibliographical materials cannot help discouraging even such self-sacrificing and resourceful men as the natural scientists. It is a generally deplored fact that an increasing number of distinguished chemists and physicians have in recent years reluctantly been impelled to quit the public service and accept more lucrative and better equipped research positions in private industrial concerns, or go into private practice. Equally demoralizing, moreover, are the ma-

¹³ Until 1924 Faculties of Medicine were recruited by special *concours*; since then, by a *liste d'aptitude* drawn up from *agrégés* in medicine.

¹⁴ Cf. "*La Situation diminuée des Facultés*," in *L'Europe nouvelle*, 26 March, 1927.

terial handicaps under which eminent curators of State museums and library administrators have had to labor.¹⁵

B. THE JUDICIARY

Probably no branch of the public service in modern states has suffered more from the poisonous effects of partisan politics or, if not that, from professional incompetence, than has the judiciary. For this general reason, as well as other more special ones, foreign observers have always found the French system of training and selecting magistrates full of interest. In the first place, the bench in France is a career for which men deliberately prepare themselves when young; that is to say, the bench is professionally differentiated from the general practice of law. Secondly, the principle of "plurality of judges," which is observed throughout the hierarchy of French tribunals above the courts of justices of the peace, permits an admirable blending of ripened experience and youthful initiative. On the bench, two young judges always flank the venerable presiding magistrate, and their decision is the result of joint deliberation. Finally, since 1908, the entire "sitting" judiciary, including justices of the peace, has been manned by men selected strictly according to merit in a professional competition.¹⁶

This merit system of recruiting judges would hardly have developed without a centralized yet flexibly functioning Ministry of Justice. This Ministry is organized in four divisions: (1) civil affairs, (2) criminal affairs and pardons, (3) personnel and accounting, and (4) penitentiaries. At the head of each division is a director, who is ordinarily an ex-magistrate delegated to serve in the special capacity for a varying number of years. This interchangeability of personnel between headquarters administration and the bench

¹⁵ *Ibid.*

¹⁶ Nowadays, public prosecuting attorneys are also chosen from the ranks of junior judges recruited by a strictly professional competition.

has lent itself to the building up of a well-matured code governing the appointment, promotion, and assignment of magistrates. Let us glance briefly at how it operates, beginning with the lowly justice of the peace.

Exercising summary jurisdiction in minor disputes, a justice of the peace holds court in each canton.¹⁷ His main function is "to bring parties to an informal conference and to adjust disputes by methods of conciliation."¹⁸ In spite of the growing complexity of social and economic affairs, he has on the whole admirably performed this function. Before the war, when the justices were not required to possess formal legal training, most of them had in fact had a reasonable amount of experience as *avocats* or *avoués*. Yet they were not a part of the regular magistracy and could rarely expect advancement to a higher court.¹⁹ To correct this situation and thereby give the J. P.'s position more professional dignity and attractiveness, legislation enacted since 1918, culminating in the decree of 5 November, 1926, restricts appointments to those (1) who have the degree of *licence* in law (equivalent, as previously pointed out, to the American LL.B.), (2) who have spent two years practicing at the bar or in a notary's or *avoué's* office, and (3) who have passed a professional examination.²⁰ Given at each Court of Appeals in April and March, this examination covers the important law codes—civil, penal, and rural—and statutes affecting justices of the peace. The minimum age of appointment is now twenty-seven, although, as a matter of fact, there are few J. P.'s under forty. Salaries were also appreciably raised, but recruitment on the new basis continues to be more difficult than the authors of the reform anticipated. Doubtless it will improve as more J. P.'s

¹⁷ Nearly 900 justices of the peace were abolished by the Poincaré decrees of 1926, many cantons being combined with adjoining ones.

¹⁸ E. M. Sait, *The Government and Politics of France* (Yonkers, 1920), p. 399.

¹⁹ Their deputies (*suppliants de paix*), however, were then and still are drawn from the ranks of business men.

²⁰ Ex-judges and ex-justices of the peace are exempt from these requirements.

are promoted to places on the bench of the district courts (*tribunaux d'arrondissement*).

Turning now to the magistracy proper, we discover a similar evolution toward stricter professional requirements. Before 1908 there was no professional examination. Students having law degrees were admitted to the bar and later appointed to subordinate judgeships.²¹ It was customary to hold annually a conference of leading members of the bar (*avocats*) to discuss controversial questions. The conference would elect twelve young lawyers from its membership as "secretaries" whose duty it was to propose the questions for debate. It nearly always happened that these youthful secretaries would gain prominence later either as political leaders (e.g., Gambetta, Poincaré, and Millerand), or as magistrates, most of the latter group reaching the higher courts before their careers were over.

Under this régime, of course, many judicial appointments were the result of political favor, especially in the upper reaches of the hierarchy. It was against certain flagrant cases of political interference with the judiciary that the famous caricatures of the system by Faguet, Brieux, and Anatole France were directed.²² Despite the generally honorable and independent qualities of the judiciary, it gradually came to be recognized by thoughtful public men that the growing complexity of social and economic legislation demanded a higher level of training in law, and particularly economics, for its interpretation. Recruitment of able young lawyers for the bench had also become alarmingly difficult by the dawn of the present century. The upshot of this situation was that in 1908

²¹ Admission to the bar in France involves an apprenticeship of a year or more in the office of an *avoué* or a *notaire*, and an investigation of the candidate's personal qualities and social milieu by the *batonnier* (leader of the local bar), or some one designated by him. After the oath is taken, the applicant must serve three years more in a law office, during which he may wear the ordinary professional gown and try cases, chiefly criminal, sent to him by the legal-aid service of advocates, before he becomes a full-fledged member of the bar.

²² Cf. especially Brieux's *La Robe rouge*, and more recently, R. Benjamin's *Le Juge de Paix*.

a scheme of judicial recruitment based exclusively on competitive examination was established.²³

Under the new regulations, which were drafted by high officials in the Ministry of Justice, all candidates for the judicial robe must satisfy three minimum requirements: (1) be at least 25 years old; (2) be *licenciés* in law; and (3) have practiced for at least two years at the bar. In terms of age and type of experience, eligible candidates fall into two distinct groups. The first consists of members of the Council of State, professors of law, former magistrates, colonial judges, attorneys (*avocats*) admitted to practice before the Council of State or Court of Cassation, solicitors (*avoués*) and notaries (*notaires*) with ten years or more professional experience, and justices of the peace who have distinguished themselves in the exercise of their functions. Any of the preceding classes may be appointed to judicial posts without further examination. Unfortunately for the French courts, few law professors forsake their academic robes for the bench, but it frequently happens that eminent attorneys desiring a less strenuous existence during the last decade of their careers will seek judicial posts and often make highly successful magistrates. Likewise, a smaller number of justices of the peace, who, by reason of their exceptional knowledge of commercial and domestic relations and "*des affaires intimes*," are likely to advance rapidly on the bench.

It is the second and younger group, however, from which the vast majority of French judges continue to be selected.²⁴ Here all candidates not only must serve their two years' apprenticeship at the bar, but in addition practice either one year in a specified court of superior rank or spend two years in a solicitor's office—unless, perchance, they have won a prize from some State law faculty or served as secretary of the *Conférence des Avocats* at the Court of Appeals in Paris.

²³ Decree of 13 Feb., 1908.

²⁴ According to the decree of 21 July, 1927, not more than one-sixth of the vacancies may be filled from the first group.

Finally, in order to secure appointment, they must pass an exceedingly difficult professional *concours*, held ordinarily twice a year—in April and November—and presided over by a member of the highest judicial tribunal in the country. This examination embraces three different tests: ²⁵

- *(1) Written composition (3 hours) on some phase of the law codes
- *(2) Oral exposé (10 minutes), presented after an hour's preparation, on a different subject drawn from the Codes
- (3) Oral interrogations on
 - (a) Civil law, civil procedure, or bankruptcy
 - (b) Penal law or criminal procedure
 - (c) Judicial organization and social legislation

* For (1) and (2) reference to standard collections of statutes and ordinances is permitted, but not to cases or commentaries.

With a maximum of 140 points, 70 is the passing grade.

Until the war upset things, recruitment on this basis promised a steady improvement in the professional calibre of the judiciary. To the élite of the young law students the bench offered a most attractive career. Around the magistracy there still continued the social halo illustrated by the following incident: ²⁶ A provincial judge was receiving a *notaire* from Paris. "Please be seated," politely said the magistrate.—"I am M. ———, *notaire*." "Oh then," replied the former, "remain standing, a *notaire* does not sit down before a magistrate." ²⁷ Since the war, what with shrinking salaries and encroaching industrialism, the magistracy has been robbed of much of its traditional glory and prestige. "Today," remarked a distinguished judge, philosophically shrugging his shoulders, "there are no automobiles parked around the *Palais de Justice*!"

As a consequence of all this, recruitment has noticeably de-

²⁵ The criticism that it is too theoretical in character is being met by requiring longer periods of apprenticeship in law offices.

²⁶ Related to the writer by a *procureur de la République*.

²⁷ Formerly, also, the judge of an appellate court was accustomed to being received by a squadron of armed police and a gala horse-drawn carriage upon his arrival at the seat of his jurisdiction; but nowadays he arrives unheralded by train.

clined both in quantity and quality. During the eight year period 1919-1927 approximately 1,000 vacancies, due to deaths, resignations, and retirements, occurred in the magistracy. To fill these places only 938 candidates were forthcoming, and not all of these, naturally, could pass the examination.²⁸ From 40 to 80 per cent passed at the sixteen *sessions d'examen*, but the average score attained was only 71 points, or barely the minimum. In 1925, moreover, only 30 per cent of the magistracy held doctor's degrees.²⁹

French critics tend to attribute this decline of the magistracy to two principal causes, both of which are, in part at least, a function of a third factor. Low salaries and a slow rate of advancement constitute the primary difficulty. Entering between the ages of 25 and 30, successful applicants receive appointments to deputy judgeships (*juges suppléants*) on provincial courts of first instance. Of an average of eighty appointees a year, not more than ten can expect to reach the highest court (of cassation), on which there are forty-nine "councillors" (judges), including one general and three sectional presidents, or become a "presiding" judge of one of the twenty-five intermediate courts of appeals.³⁰ Many men, not brilliant, but above the average in judicial ability, have to be content with deputy judgeships in small provincial towns for twenty or thirty years; some never progress beyond these obscure posts.

If the range of compensation were more nearly commensurate with the social dignity and professional standards of the judiciary, a slow promotion rate would not matter so much, especially in a country where, for reasons of family or local attachments, many professional men prefer to settle down in their native towns. But salaries, it is claimed by critics of the present judicial system, will never be adequately increased so

²⁸ In 1926 vacancies in 100 deputy and 720 superior judgeships had to be left unfilled because of the scarcity of qualified candidates. Cf. "*Le Déclin de la Magistrature*," in *L'Europe nouvelle*, 26 March, 1927.

²⁹ B. Pigé, *Le Juge unique* (Paris, 1925), p. 165.

³⁰ Cf. Chap. XI for a fuller treatment of methods of promoting judges.

long as judges are so numerous.³¹ According to this view, the number of inferior courts ought to be decreased and, except for appellate tribunals, the principle of "plurality of judges" should be abolished.³² Then there would be some hope of really improving salaries and attracting better men to the bench.

The reforms instituted by M. Poincaré in 1926 were a slight step in this direction. Over 200 courts of first instance were decreed out of existence.³³ Salaries have also been somewhat adjusted upwards so that (by 1929) the range was from approximately 15,000 to 125,000 francs, plus small allowances for dependents and a cost of living bonus. It is extremely doubtful, however, whether the French will soon be weaned away from their proverbial belief that several minds are better than one in adjudicating legal controversies. The judiciary will probably come increasingly to be recruited from the middle, and even lower *bourgeoisie*, instead of, as was true in the 18th and 19th centuries, from the easy classes—the aristocracy and upper *bourgeoisie*. This change may perhaps alarm those who fear that these new social strata will be more susceptible to passing whims and monetary temptations than were the old aristocratic magistrates. Increasing safeguards of professional competence and stronger barriers against political intrusion will doubtless be needed if the honor and glory of the French judiciary are to remain unimpaired.

C. ENGINEERS AND TECHNICIANS

In France, as elsewhere, the machine age has magnified the activity of governmental agencies in the domain of engineering and the technical sciences. One entire ministry, with over

³¹ In contrast to the 3,000 or more judges that make up the French judiciary may be cited the lone 100 that man the English bench.

³² Cf. Pigé, *op. cit.*, *passim*, and J. Barthélemy *Le Gouvernement de la France* (Paris 1919), pp. 177-178.

³³ It is reported that some of these, along with a portion of the abolished jurisdictions of justices of the peace, have subsequently been re-established. Cf. *New York Times*, 13 Sept., 1930.

8,000 employees—that of Public Works—is concerned exclusively with activities in these spheres: with the construction and upkeep of national highways and bridges, the inspection of mines, the technical supervision of railway operation, the regulation of ports and navigable waters, the development of hydro-electric power. A large part of the work of the P. T. T. administration, especially the telephonic division, also requires the services of skilled technical experts; likewise, in increasing measure, the military and naval establishments, the ministry of colonies, and each of the State's industrial enterprises (matches, tobacco, and powder monopolies).

To provide a properly trained technical personnel for these multifarious operations, the French State follows its characteristic practice of so shaping its system of formal instruction as to give the public service priority over private industry in securing the best available talent. Having already sketched in Chapter IV the outlines of the scheme of technical training via *les grandes écoles*, we need here merely to examine how well it meets the varying needs of different governmental agencies as well as private industry.

At the outset, let us consider "engineers" properly speaking, inasmuch as they officially rank above the other technical groups. Each year the several ministerial departments estimate how many vacancies they are likely to have during the ensuing twelve months. The numbers on these lists of probable vacancies are consolidated and the quota of students to be admitted (by *concours*) to the *Ecole polytechnique* is accordingly determined. In all, from 200 to 250 usually constitute a class. Only a relatively small percentage of this hand picked group will graduate from the two year course that follows, so rigorous are its standards.³⁴ The successful candidates then choose their posts in order of merit, the majority becoming artillery and aeronautical officers, the second largest number—usually 20 to 25—being attached to the Ministry of Public

³⁴ There are a limited number of free students who prepare directly for industrial positions.

Works, and the rest being assigned, as needed, to the other civil administrations.³⁵ Most of the students who fail in the final "polytechnic" *concours* succeed in securing subordinate posts in the government departments or with private industrial concerns.

The young "graduate" engineers assigned to the Ministry of Public Works are further divided into two groups, the one joining the Division of Roads and Bridges (*Corps des Ponts et Chaussées*); the other, the Division of Mines (*Corps des Mines*).³⁶ Both groups must then submit to two more years of specialized training, at the successful conclusion of which they may look forward to receiving the highly prized rank of "State engineer." These two staff schools, operated directly by high officials of the public works department, are open as well to a small number of outside students who wish, by taking an extra year, to become civil or mining engineers but have not been able to gain admission to the *Ecole polytechnique*.³⁷ Of course, their quality is on the average inferior to the "State" group.

In addition to this method of producing young engineers by means of a series of special technical schools, there is a second way by which a limited number of able subordinate employees of the Ministry of Public Works may advance to the grade of *ingénieur d'Etat*. Up to one-third of the upper grade posts in the Division of Roads and Bridges and one-fifth of those in the Division of Mines are reserved to "deputy" engineers,

³⁵ Since the World War, however, the number preferring the artillery has steadily declined.

³⁶ The *Corps des Ponts et Chaussées* is organized, under a central direction, into eleven territorial and four maritime "inspections," with a chief engineer in charge of the work in each *département*. The main function of this celebrated *Corps* is to construct and keep in repair national highways, although it also has charge of the upkeep of local roads in about half the *départements*. Its other duties include the regulation of fishing in streams on the public domain and the control of local tramway lines, navigable rivers, and ports. Cf. Berthélemy, *Traité* (11th ed.), pp. 516-522.

³⁷ The fusion of these two staff schools is held by some to be desirable. Cf. especially Chardon, *Les Travaux publics*, pp. 70-73, and Richard, *op. cit.*, pp. 488-493.

with at least twelve years of service, selected by special examination combined with efficiency ratings.³⁸ The purpose behind this arrangement is to open the door to exceptional "self-made" men from the ranks, although it should be noted that they, too, will have been initially recruited by open competition after a good elementary training in physical science and mathematics.³⁹

By these two processes, the State is always able to fill all vacancies as they occur. What is more, the title of "State engineer" still remains the "open sesame" to important industrial positions involving engineering competence. Young men who acquire the title assume a legal obligation to remain in the public service at least five years.⁴⁰ After that the majority nowadays gravitate toward private industry, becoming railway managers, mining operators, and technical officials in electrical, metallurgical, and maritime enterprises. These men are carried on "detached service without pay" by the governmental unit which they happen to be serving when their change in status occurs. It is again apparent that the government is now having increasing difficulty in retaining its best men. Rates of compensation in the rapidly expanding technological industries have so far outstripped government salaries that few really capable engineers care, as they did before the war, to spend their entire careers in service of the State.⁴¹ Some of the civil engineers in the roads and bridges division of the Ministry of Public Works manage to improve their precarious economic situation by acting as consultants for local government units (*départements* and *communes*), or chambers of commerce, along with their regular duties. But there are few such opportunities for the technical staffs of

³⁸ As prescribed by the decree of 17 April, 1908.

³⁹ In addition, many of these men secure training in technical schools on a lower level than "*les grandes écoles*." Cf. decree of 18 June, 1923.

⁴⁰ According to the Director of Personnel in the Ministry of Public Works, many are, in fact, permitted to resign prior to the expiration of this period.

⁴¹ Cf. "*Les Ponts et Chaussées et les Mines*," in *L'Europe nouvelle*, 26 March, 1927.

the P. T. T., the State railway construction units, or the maritime services.

Not only is the rapid turnover of engineering workers in government employment becoming a serious matter, but the numerical inadequacy of certain staffs is calling for immediate remedy. As late as 1925, the French telegraph and telephone administration could boast of only 87 high grade engineers, or slightly more than 2 per 1,000,000 inhabitants, whereas "in England, for example, for State employees at an analogous level, the proportion was 12; in Sweden, 14.5; and in Denmark, 26."⁴²

What, therefore, used to be an admirable equilibrium between government and industry in the supply of technological talent appears to have been broken since 1920 at the expense of the former. Whether it can be restored will depend upon the State's willingness to face a new economic situation with courage, intelligence, and, above all, increased appropriations.

D. OTHER TECHNICAL AND SCIENTIFIC SPECIALISTS

The French public service employs a growing number of specialists in fields other than education, law, and engineering. Modern science and technology have greatly expanded the research and advisory functions which the Government has been asked to perform.⁴³ In selecting the laboratory scientists and technical experts that this expansion has called into service, the State has followed its time-honored procedure. First comes a carefully prescribed (and supervised) course of training in university, technical school, or institute. Following that, the State either picks young men directly from the appropriate class of graduates by a competitive entrance examination, or it selects older men with post-graduate professional experience in the industrial or scientific world by setting spe-

⁴² "*Les P. T. T.*," *ibid.*, 26 March, 1927.

⁴³ Although developments in this direction have not gone nearly so far in France as in Germany or the United States.

cial boards to evaluate the credentials (letters of recommendation, publications, research achievements, etc.) and to conduct interviews with those candidates who are not eliminated at the earlier stage.

Among those who make life careers in the service of the State are to be found statisticians, archivists, librarians, and interpreters. For example, the Bureau of General Statistics, which, though nominally attached to the Ministry of Labor, is really an independent census-taking unit, recruits its staff by holding each year an assembled examination, written and oral, covering mathematics, statistical theory, economics, industrial technology, economic geography, and two foreign languages (English and German).⁴⁴ The world-renowned *Ecole nationale des Chartes* offers a three year course whose graduates supply the Ministries of Foreign Affairs and Public Instruction with their corps of archivists, paleographers, and library administrators. Similarly, the *Ecole nationale des Langues orientales vivantes* prepares young men for careers as foreign-service interpreters in China, Japan, and Siam, and as instructors in native schools in the French African and Oriental colonies.

Turning to the second classification, one finds a still more varied group, including, for example, research chemists and bacteriologists in government laboratories and institutes, directors of the mint, heads of research bureaus in the Ministry of Agriculture, and the field staff of the National Office of Foreign Commerce. To secure employment as government chemist, candidates must have had three years' experience either on a university staff or in an industrial laboratory of established reputation. After being interviewed by a special board, those selected are further required to serve a two months' experimental period, as it were, in the laboratories of the department concerned (Finance, Agriculture, War, or Navy) before they are permanently appointed. For the post of "laboratory director," the board, following inquiries to

⁴⁴ This is a very fatiguing ordeal lasting twenty hours.

universities and industrial establishments, recommends to the Minister a scientist of national distinction. Similarly, the director of the mint and his assistants are chosen from a panel proposed by the National Academy of Sciences and containing three times the number of vacancies.

Probably the most unusual application of the principle of selection by competitive interview is to be found in the National Office of Foreign Commerce. As its name implies, this is a trade promotion agency. Established by decree in 1919, it bears a nominal administrative relation to the Ministry of Commerce. From a fiscal standpoint, however, it is quasi-autonomous. Its budget is met by a special tax on imported goods, and so popular has its work become with the exporting public that the tax was increased in 1927 at the latter's request. The field staff of the "office" consists of one commercial attaché stationed in each country with which France has a substantial volume of trade, and approximately fifty commercial agents (inferior in rank) assigned to important foreign centers as needed. These men are commercial outposts whose duty it is to report on industrial conditions and the trade outlook of their respective areas. A copy of each report is sent to the French ambassador, or other diplomatic representative in the country concerned, for his information and opinion. In case of controversy over the activities of commercial attachés and agents, the matter is referred to the Foreign Office for final adjudication.

This field "commercial" staff is recruited from applicants having extensive business or administrative experience abroad and an adequate knowledge of the language and country to which they are desirous of being assigned. The work is so interesting and the life so attractive that it is not difficult to induce ex-consuls and business men of high technical ability to seek admission. The composition of the appointing board is interestingly designed to enlist the co-operation of business circles. The members include the following:⁴⁵

⁴⁵ Decree of 26 Dec., 1919.

PROFESSIONAL AND SCIENTIFIC PERSONNEL 193

- One Councillor of State (President)
- Two representatives of the Ministry of Commerce
- Two representatives of the Ministry of Foreign Affairs
- The Director of the Office of Foreign Commerce
- One representative of the central staff of the Office
- Five merchants and industrialists chosen by the Assembly of Presidents of French Chambers of Commerce

After carefully examining the *dossiers* of applicants and calling in for interview any on whom "personality" information is desired, this board draws up a list in order of merit. The Minister of Commerce must make his appointments from this list or ask for additional nominations. Differing from posts in the diplomatic and consular service, these appointments are for five years only, with the possibility of re-appointment at least six months before the term expires.

* * *

Surveying the recruitment of professional and scientific personnel as a whole, one is impressed by the close inter-relations of government, education, and industry. Before the war at any rate, the system seemed to work with admirable effect, that is, to the advantage not merely of one, but, in different ways, of all three of these entities in French society. At the moment, the picture appears somewhat warped—at the government's expense—because of the far-reaching sociological changes through which France has passed during the last decade. But it can still be said that the public service is an important avenue to preferment in business and to the leadership of certain of the liberal professions. Thoughtful Frenchmen also argue that by reason of having once viewed social and economic problems from the vantage point of the public service, industrial and financial leaders are more "appreciative" of public policies affecting their own economic interests.

Whatever there be in this contention—it is not without some basis—the reader will be even more forcibly struck by the way in which the elaborate development in France of advisory "functional" boards, commissions, and councils, some

temporarily, but most of them permanently constituted, has brought economic and social groups of almost every complexion into a direct consultative relation with public administrative agencies. How this "functionalism" has affected not only staff morale, but the formulation and control of administrative policy as well, will be considered later.⁴⁶

⁴⁶ Cf. Chaps. XV-XVI, *passim*.

CHAPTER VIII

CLASSIFICATION AND COMPENSATION

"Si vous voulez de bons fonctionnaires, payez-les."

—J. BARTHÉLEMY, *La Compétence dans la Démocratie*, p. 248.

No phase of public personnel administration presents more perplexing problems than the relationship between classification of duties and determination of salary schedules. From whatever angle these questions are approached, political as well as technical difficulties have to be coped with. As Professor White has suggested, frequently opposing interests are involved.¹ There is, first of all, "the public interest, which seeks (1) efficient personal service, (2) good employment conditions, and (3) economy in public expenditures." Secondly, there are the employees, "who seek fair play and equitable treatment in such matters as advancement, promotion, transfer, and recognition." Then comes management itself, which "carries the responsibility (1) of getting things done, (2) of securing the most efficient service, and (3) of sustaining the morale of the staff." To complicate the picture still further, there is "the interest of politicians who seek to build their political power by favors to employees in the way of salary advances or promotions."

A. PRE-WAR ANOMALIES AND INEQUALITIES

In France, progress toward a general formula for correlating duties and compensation according to the principle of

¹ L. D. White, *Introduction to the Study of Public Administration* (New York, 1926), p. 275.

"equal pay for equal work" throughout the public service has been particularly belated and spasmodic. Several factors peculiar to the French administrative régime account for this situation: (1) the absence of any permanent personnel agency with powers of central supervision over all branches of the service; (2) the survival until this century of a tradition that remuneration for State officials should be as much honorary as monetary; (3) the weak position of a coalition executive and a multi-party Parliament in the face of concerted demands for higher pay from organized groups of fonctionnaires; and (4) the chaotic conditions produced during the early post-war period by a fluctuating currency. Add to these the widely prevalent vice of bestowing favors to repay political obligations—a practice which, despite the piece-meal establishment of a legal personnel code, has not yet been completely eradicated—and the setting is complete.

Down to the World War each department or lesser personnel unit had developed opportunistically its own schedules of salaries. The various categories of public personnel were organized into an hierarchy of grades bearing a rough relation to the degree of training, special skill, and responsibility involved. Every grade was given a label, or title, which, by an easy process of imitation, would be adopted by new administrative units to designate corresponding grades. The correspondence, however, was seldom complete. Identical titles were used to indicate positions that varied greatly in training, requirements, conditions of recruitment, and type of work. As has already been suggested, the grade of *rédacteur* in the Ministry of the Interior differed appreciably from the corresponding grade in the postoffice. Likewise, the qualifications and responsibilities of "general inspectors" in as divergent units as the Treasury, the Division of Roads and Bridges, and the Under Secretariat of Fine Arts and Technical Instruction stood on far from identical levels. If space permitted, examples of other discrepancies might be multiplied. A further complication arose from the fact that certain categories of

officials attached to the national civil service were by a growing practice "lent" to local governmental units and remunerated by the latter on a different (usually higher) scale. Worse still, during the 19th century, was the tendency to apply titles indiscriminately to central and field positions. Such an assimilation of titles in headquarters staffs and field establishments might have been justifiable in highly "political" departments like Foreign Affairs, the Interior and Justice, but hardly in social and economic services performing essentially technical work.

For purposes of salary determination, it was the time-honored practice to sub-divide middle and lower grades into "classes," numbered serially from the minimum to the maximum salary level. Thus in the central organization of the Treasury the following elaborate scheme of office classification was evolved:²

<i>Directeurs</i>	
<i>Chefs de service</i>	
<i>Sous-directeurs</i>	
<i>Chefs de bureau</i>	—5 classes
<i>Sous-chefs de bureau</i>	—4 classes
<i>Rédacteurs principaux</i>	—3 classes
<i>Rédacteurs</i>	—3 classes
<i>Commis principaux</i>	—4 classes
<i>Commis</i>	—3 classes
<i>Expéditionnaires principaux</i>	—3 classes
<i>Expéditionnaires</i>	—4 classes
<i>Employés principaux</i>	—3 classes
<i>Employés</i>	—3 classes

Up to the rank of deputy director, it will be noted, a total of 35 different salary levels were in use. Frequently, the uppermost level (class) in a given grade coincided with the lowest level in the next higher grade.³ In other units the highest class in one grade often carried a higher salary than the lowest in the immediately superior grade, but the latter's

² *Annuaire des Finances* (1925-26), pp. 81-82.

³ The highest level is often denoted as *hors classe*.

average salary level naturally would always be higher than that of the immediately inferior grade.⁴

Except for a few posts at or near the summit of the administrative hierarchy, salary schedules were nearly always based upon definitely recognized "grades" and classes," rather than upon individual positions. While this practice avoided the more flagrant evils of salary "log-rolling," it did not prevent bargaining by "pressure groups" of employees; nor did it permit taking care of "exceptional" cases. Salary scales were seldom established or subsequently adjusted in any close relation either to costs of living or to employee training and skill.

Legally, the determination of salary schedules was sometimes sanctioned in detail by statutory enactment; more often rates of pay were fixed by ministerial ordinances (*décrets*) within the limits set by the annual appropriation acts (*lois de finances*), or, as in the period of rapidly fluctuating prices after the war, by special acts passed *ad interim*. It could hardly be contended that this process was based upon an adequate analysis either of conditions of recruitment or of the duties and responsibilities of rapidly multiplying categories of State employment. Moreover, the procedure was characterized by slovenliness, if not waste, and above all, by glaring incongruities and inequalities of pay. Here a *rédacteur* might begin at 800 francs, there at 2,000, and still elsewhere at 2,500, without any attempt to correlate the rate of compensation with the kind of work to be performed.⁵ Functions closely analogous in character were as divergently remunerated as tradition and circumstance had dictated.

Although as early as 1849 the French Government was "invited" by Parliament to publish a tabulation of the entire national and local civil services with their rates of pay, the former contented itself with presenting only rough estimates.

⁴ In the P. T. T., for instance, the use of *agent* and *employée* as labels to designate overlapping categories of personnel gave rise to many anomalies in rates of pay.

⁵ These are pre-war figures as quoted in Georgin, p. 602.

If a careful statistical tabulation had really been made, it might have paved the way then for a comprehensive plan of duties specifications by classes with a view to general salary standardization. But as events moved, a half century was to pass before there was an effective impulse to substitute salary planning for opportunism. In 1899 the Government, partly in response to demands from powerful staff associations, began the habit of setting up *ad hoc* extra-parliamentary commissions to consider the re-adjustment of salary schedules for specified categories of subordinate employees. During the following thirty years, scores of such commissions, usually including in their make-up representatives of officialdom, of the staff, of Parliament, and of the public, have been created to investigate and report on salary changes. Notwithstanding this step in advance, the determination of salaries still operated mainly on an *ad hoc* "pressure" basis, the numerically strongest groups being in the most favored positions because of their voting-power,—exercised ordinarily through and for the radical and socialist parties.

The more syndicalism permeated the *milieu des fonctionnaires*, the more insistent grew the demand for equalization of salaries across departmental lines. To realize this objective a wide-spread agitation had by 1908 gathered considerable momentum. The *syndicats* contended that salary schedules ought to be unified for all the different services, central as well as exterior, so that, as M. Chardon tersely expressed it to me, "the whole mass of fonctionnaires might advance together." In principle, the Government evinced sympathy for this proposal, which soon came to be characterized in French administrative parlance as the *péréquation des traitements*. In actual fact, however, parity of treatment for similar categories of personnel had by 1917 been realized only for clerical and custodial groups attached to the central government offices.⁶

⁶ Cf. L. March, *Le Mouvement des Prix et des salaires pendant la Guerre* (Paris, 1927), p. 282.

B. RECENT EFFORTS TO SECURE SALARY STANDARDIZATION

So long as French price levels remained relatively stable, the practice of fixing State salaries by piece-meal enactments in the light of expediency was, if not ideally equitable, at least workable. By yielding here and resisting there, the Government could stave off the growing demand for inter-departmental *péréquation*. But the steady decline in the value of the franc during those nine troubled years beginning with 1919 and ending in 1928 so depressed the purchasing power of all wages and salaries that temporization was no longer possible. A comprehensive upward revision of salary schedules became imperative if a revolt of large groups of subaltern employees was to be avoided. To be sure, cost of living bonuses and supplementary allowances for dependents had been instituted as early as 1917. Originally enacted, however, as temporary expedients, they could not solve the chronic problem created by an indefinitely rising index of prices.

As a consequence of this disturbed state of affairs, the harassed cabinets of those days were forced to establish a succession of salary-adjusting commissions to deal with increasingly large categories of employees, culminating in an attempt to consolidate and standardize salary schedules throughout the national civil service by taking into account the elements of training and duties.⁷ A rapid survey of the vicissitudes of these commissions, of which there had been seven down to 1929, will illuminate the difficulties of re-classifying along modern management lines an old traditionalistic administrative organism like the French.

How formidable was the problem may be realized when it is stated that there had grown to be more than 1,700 different positions in the ensemble of State agencies, with as many as 483 different salary scales. The number of salary hurdles

⁷ *Péréquation* in the P. T. T., previously ordered by a departmental order dated 7 April, 1911, was interrupted by the war.

within numerous grades had become admittedly excessive, resulting sometimes in too wide a range of pay for the grade, and more often in a rigid system of automatic increases by minute periodic increments. To satisfy the clamor both of syndicalist groups and of influential politicians, many services had gradually become "over-classified" in terms of titles of positions and salary grades.⁸ Attention was called to the "curse" of an overgrown hierarchical system by discerning French critics as early as 1911. Writing himself as a public servant, one of their number vigorously indicted the "pyramidal super-imposition of chiefs and assistant chiefs" that marked the organization of most of the ministries by pointing out how it surcharged the budget, prodigiously wasted time and energies, killed initiative, and dissipated responsibilities. If the *chefs* and *directeurs* were competent, continued this criticism, then most of the constellation of *sous-chefs* and *sous-directeurs* had no *raison d'être* and should be eliminated.⁹ Other critics extended their complaints to subaltern personnel grades.

In view of these nasty factors, it is not surprising that the early salary-raising commissions set up by the Government after the war should have been content with recommending salary increases on a flat percentage basis, without undertaking to re-classify positions or alter the range of remuneration. First of all, in a long over-due response to promises made before the war, recommendations for appreciable increases in pay for the rank and file of the P. T. T. and for primary and secondary school teachers were enacted in 1919.¹⁰ For all the remaining categories, the proposals of the Hébrard

⁸ At the same time, many militant syndicalists were beginning to clamor for a consolidation of grades and a reduction of classes in order to speed up the attainment of salary maxima for employees entering the service in subordinate capacities.

⁹ Cf. Demartial, *Le Personnel des Ministères*, Chap. II, pp. 14-22.

¹⁰ It is significant that the numerically powerful groups were dealt with first, whereas the salaries of university professors were neglected until later. Cf. H. Maillard, *L'Enseignement supérieur* (Paris, 1925), pp. 215-239.

de Villeneuve Commission, set up by decree in April of the same year, were voted into law. These proposals raised the minimum rate of pay for the lowest grades¹¹ from 800 francs (as of 1914) to 3,800 francs, an increase of nearly 400 per cent, although the salary schedules of the middle and upper grades were only doubled.¹²

With the cost of living index on the basis of 1914 prices then at 240 and the franc still falling, these increases satisfied no one. A lively campaign of protest began anew, especially since the salaries of 70,000 *instituteurs* had been set at slightly lower levels than those prescribed by the Hébrard de Villeneuve Commission. As a result of this agitation, the minimum pay for school teachers was two years later raised to 4,500 francs, and the whole salary scale for the Ministry of Public Instruction proportionally increased. But this broke the "equilibrium" in favor of education! At the same time (by the budget act of 1921) magistrates and members of the Council of State were allotted flat increases of 4,000 francs.

As the cost of living seemed likely to mount still further, it was provided in article 39 of the act of 1921 that a comprehensive readjustment of basic salaries and allowances should be effected for all State services in conformity with the price level within the following four years. But the reactionary *Bloc National*, in power until 1924, delayed action, and instead of listening to the desperately insistent protests of the large staff associations, pursued a policy of persecuting them in the hope of disrupting their solidarity. It was not until after the Herriot government came into office in 1924 that the former Villeneuve Commission was revived. After long and acrimonious discussions, the latter could not reach agreement. In this impasse, the Government delayed action.

¹¹ Postmen, roadmenders, etc.

¹² The stenographic report of the deliberations of this committee amounted to 2,000 pages, the new salary scales alone filling a *cahier* of 100 pages. While some of the decisions were reached with unanimity, most were hotly contested between representatives of high officialdom and the staff.

Finally, it submitted to Parliament a project calling for a revised scale of remuneration, which, with slight modifications, was incorporated in the finance act of 1925. The new basic salary range ran from 5,600 to 40,000 francs. To re-examine the intermediate levels, still another committee—the Trépont Commission—with one-third of its membership representing, as before, the organized employees, was established.¹³ Reached after prolonged dickerings by November, 1925, its conclusions proved equally unsatisfactory, with the result that in the following April two new commissions were instituted: (1) the Hendlé Commission, to re-classify the positions and salaries of the P. T. T. staffs, and (2) the Martin Commission, to do likewise for the remaining services.¹⁴

The first of these two committees quickly set itself to the task of trying to work out a re-classification which would keep within the salary maximum of 40,000 francs. Consisting of only six members (all high officials), and lacking representatives of the mass of postal employees, it held four meetings at which the claims of the various staff groups were presented by delegations picked for the purpose.¹⁵ Meanwhile, the monetary crisis of 1926 was driving the value of the franc downward at such an ominous rate that by summer its value was barely two cents. The cost of living index reached 600 in many French cities. Faced with this alarming situation, M. Hendlé and his colleagues decided to apply a coefficient of three to the 1914-19 scale for superior grades of P. T. T., a recommendation which would raise the maximum annual salary from 40,000 to 75,000 francs. Although the Committee's report was adopted, it fell considerably short of restoring the purchasing power of postal salaries, at any rate for the middle- and upper-grades, to the pre-war level.¹⁶

¹³ Decree of 21 July, 1925.

¹⁴ Decree of 14 April, 1926.

¹⁵ In all, twenty-seven delegations were heard by M. Hendlé and his colleagues.

¹⁶ Decree of 21 Oct., 1927. The Hendlé Commission used as the basis of its discussions the report of a Committee on Personnel and Finance set up by the *Conseil supérieur des P. T. T.*

Before the Martin Commission got under way with its much more complicated task, the new National Union Government headed by Poincaré had in the midst of the hectic summer of 1926 hurriedly passed a law which (1) automatically tripled higher salary rates considered on the 1914 basis and (2) added a temporary 12 per cent cost of living bonus for the subordinate grades. The minima and maxima, exclusive of supplementary allowances, were set at 6,800 and 80,000 francs respectively.¹⁷

Within these limits, the Martin Commission was instructed to prepare a complete re-classification of positions and salary schedules outside the P. T. T. administration. Special committees from each ministry formulated tentative proposals as a means of facilitating the larger commission's work. Soon discovering that its membership was too numerous for effective discussion, it appointed a sub-committee of three to study the demands presented by the various employee groups and draw up a preliminary report.¹⁸

Beginning its hearings in February, 1927, the sub-committee had held over 80 meetings by June. More than 2,000 separate petitions from staff groups had then been submitted to it. Many of its sessions were marked by spirited clashes between official and staff representatives. After Herculean efforts taxing its patience to the breaking point, the sub-committee issued in June a preliminary report which was taken as the general basis of subsequent salary re-adjustments during 1927 and 1928.¹⁹

Far from effecting a thorough-going re-classification of duties and titles, providing for class re-assignments of per-

¹⁷ At the time, the streets of Paris were placarded with posters condemning the Government for giving increases of 150 per cent to *les gros fonctionnaires* and only 12 per cent to *les petits*!

¹⁸ The membership of all these salary-revising commissions (save the Hendlé), was unwieldy, ranging from fifteen to thirty-six. Ordinarily, the Hendlé Commission again being an exception, a third or more of the members consisted of staff representatives, the leaders of which delegations were invariably secretaries-general of the larger *syndicats*.

sonnel, re-grouping employees into occupational divisions, or abolishing useless cadres, the Martin Commission's report confined itself chiefly to a consolidation of salary schedules for similar positions across departmental lines. The number of different schedules was thereby reduced from 483 to 42; but the 1,775 titles of positions remained substantially as they were before. This was inter-departmental *péréquation*, but nothing more. The Committee did not take its courage in its own hands and propose any drastic "surgical" operations on the over-classified administrative organism. Nor did it analyze the content of government jobs with a view to developing adequate duties specifications or adapting pre-entry training more effectively to subsequent performance. On the contrary, its work, although continuing well into 1928, served merely to ease an exigent situation. Before the Commission had completed its labors, the Government had decided to set up still another (Payelle) Commission to "co-ordinate" the salary levels worked out by the Hendlé and Martin committees.²⁰

In reviewing these successive attempts since the war to standardize salaries across office and departmental lines, it is obvious that they could be only indifferently successful because of three factors inherent in the process. The first difficulty arose from the chronic financial instability of the period, which made necessary frequent upward revisions of all rates of pay. Hardly had one adjustment been made when another became imperative.

Secondly, the formula of revision was "degressive" in character, resulting (by 1927) in increases of 500 to 800 per cent for subordinate categories of personnel, while the superior grades were receiving only 300 per cent.²¹ Given the intrinsic inadequacy of *all* increases, especially in view of the fact that the savings of government employees, as for the French *bour-*

²⁰ Decree of 18 Nov., 1927. Since his return to the United States, the writer has tried in vain to secure information on the work of this salary-fixing commission.

²¹ The discrepancies are effectively demonstrated by the following

geoisie in general, had dwindled to one-fifth their pre-war value because of the depreciation of the franc, the application of this formula evoked strong resentment from the *gros* as well as the *petits fonctionnaires*. Each group was certain it had been unfairly treated, and many took vociferous steps to secure redress. Naturally, the standardization commission of the moment had somehow to act as a "shock-absorber" for the volume of complaints that poured forth during these disturbed years. "The work of my commission," laughingly remarked M. Martin in the presence of the writer, "will *mécontenter tout le monde!*" While engaged in a heated telephonic conversation regarding the classification of engineering personnel, he was significantly overheard to suggest that the men would be "angry" if such a decision were taken, while there would be "more tranquillity" if the alternative one were followed.²²

This incident serves to illustrate the third factor militating against comprehensive classification and salary standardization. Where the status of the political executive is as precarious as it is in France, the temptation of the Government to act upon expediency as regards personnel policy is hard to

comparisons of salary levels between 1914 and 1928 taken from a table presented in Thiers, *Les Problèmes nouveaux*, p. 132:

GRADES	1914 (Francs)	1928 (Francs)	COEFFICIENTS OF INCREASE
Directors-general ..	25,000	75,000	3
Directors	20,000	60,000-75,000	3 to 3.75
Deputy-directors ..	12,000-15,000	44,000-50,000	3.6 to 3.3
Bureau chiefs	8,000-12,000	32,000-40,000	4 to 3.3
Deputy bureau chiefs	6,000- 8,000	24,000-30,000	4 to 3.75
Senior clerks	2,500- 6,000	12,000-22,000	4.8 to 3.6
Ordinary clerks ...	2,000- 4,500	9,000-16,000	4.5 to 3.5
Elementary teachers	1,100- 2,200	9,000-16,000	8.1 to 7.2
Letter carriers	1,100- 1,500	8,000-10,000	7.2 to 6.6
Customs brigadiers.	1,800- 1,900	10,000-13,500	5.5 to 7.1
Foresters	800- 900	8,000-10,000	10 to 11.1

²² The writer chanced to overhear similar observations in the central offices of several staff associations, one militant comrade vehemently protesting that the character of the duties of the *commis postaux* were chiefly intellectual and therefore deserving of a higher scale of remuneration than the *sous-agents* were to receive, another insisting upon the "right" of all customs agents to advance at least halfway up the salary scale for the division, and so on.

resist. Even in the most favorable financial circumstances, few cabinets feel that they have sufficient moral authority to carry through administrative reforms requiring a sustained balance between the claims of interested groups and the general welfare.

Unfortunately, none of the five different classification commissions approached their problem in that sense. They preferred to follow the line of least resistance. Perhaps if their membership had been less "political" and more technically competent, and their tenure more permanent, better results might have been obtained. Some of the members, moreover, held antipathetic views toward the needs of under-paid State employees. It was argued, not without justification, that the ultimate objective of certain of the more militant leaders of the organized fonctionnaires was to embarrass the Government in coping with a critical fiscal situation, in the hope that the way might be paved for "direct action" along the whole labor front. In the name of the principle of *péréquation*, for instance, large blocs of railway employees could claim increases in pay to correspond with the higher scales set for their "comrades" in the public services.²³ For by becoming closely "affiliated" with the General Confederation of Labor, the two principal civil servant organizations (postal and general) were able to invoke plausible propaganda for "united action" in orthodox syndicalist terms. Aside, however, from holding numerous protest meetings and staging a few spasmodic "local" strikes, the syndicalist leaders of all but the small "communist" factions, refrained from coercive action. What is more, the rank and file of the State employees at no time gave evidence of being seduced by revolutionary proposals.

In spite of the un-toward setting in which the commissions had to work, the net result of their efforts was to bring about an appreciable improvement over pre-war conditions. Once salary scales, family allowances, and retirement pensions are

²³ Cf., for instance, the protests of railway managers reproduced in *La Tribune du Fonctionnaire*, 7-21 Jan., 1928.

completely "revalorized" in terms of the 1914 base,²⁴ it will doubtless be easier to explore the problem of job analysis and re-classification along the thorough-going lines that have been followed in other national civil services. But an indispensable prerequisite to a whole-hearted solution of the complex situation will be enough political stability to uphold the hands of the re-classifying agency, for as long a time as the task requires, against all outside clamors and pressures.²⁵

C. SUPPLEMENTARY ALLOWANCES AND PERQUISITES

In addition to basic salaries and wages, the compensation policy of the French government embraces an interesting variety of special allowances and perquisites. We have seen that basic salary rates for public personnel are the compound of tradition and collective bargaining, diluted here and there by the politician's conception of "social justice." Whatever be our conclusions about the economic and social adequacy of these rates in comparison with those for corresponding grades of employment in industry and the private professions, it is only fair to recognize that the French State has gone considerably further than most other governments in adjusting compensation to the individual's family obligations and environmental conditions.

Of these supplementary indemnities, all of which are of

²⁴ The Government has promised this by 1931.

²⁵ Thiers (*Les Problèmes nouveaux*, pp. 133-139) believes that re-classification and salary standardization constitute too big a task for a single inter-ministerial agency. It would have been better, in his view, to set up a commission for each ministry, the Treasury fulfilling the liaison and co-ordinating rôle. To an outsider, a major obstacle to effective inter-departmental re-classification would seem to have been an unwillingness to scrap traditional titles where they do not correspond in terms of training and responsibilities to positions using identical titles in other services. Thus, when it was attempted to assimilate the qualifications, work, and pay of *inspecteurs* in the Treasury with those in the Division of Roads and Bridges and the Division of Fine Arts and Technical Education, general dissatisfaction resulted because of the essentially dissimilar character of these positions.

comparatively recent origin, the first to be noted are "cost of living" bonuses varying with the size of the town or city in which employees are stationed. Assuming that the cost of living in a community increases proportionately as its population increases,—an assumption, of course, admittedly somewhat arbitrary,—the State adds an *indemnité de résidence*. In 1927 the latter ranged from nothing for villages below 5,000 in population to approximately 2,000 francs for Paris.²⁶ Since this indemnity is a fixed sum regardless of the scale of basic salary to which it is attached, the amount of the bonus, in terms of percentage of the aggregate pay, increases according as the administrative hierarchy is descended. For a postman or *instituteur* stationed in Paris and receiving, say, 9,000 francs in annual salary, the "residential" bonus would add over 20 per cent to his pay check; whereas to a bureau chief receiving 40,000 francs, the bonus would mean a supplement of only 5 per cent.²⁷

Members of the various inspectorates who are obliged to travel from point to point receive, in addition to travelling expenses, the residential indemnity attached to the city in which they have their legal abode. For consular and diplomatic representatives, as well as commercial attachés, the amount of the indemnity is not only pitched at a much higher initial level, but varies according to the needs of each post, a composite weighting being made of its importance and size, living costs, and foreign exchange conditions. During the panicky period 1926-27, when French exchange tottered on the precipice of disaster, an "extraordinary" indemnity to com-

²⁶ The decree of 11 Dec., 1919, which initiated these *indemnités*, fixed 1,200 francs as the maximum, but subsequent increases have been made. Various P. T. T. employee groups have voiced vigorous protests against the arbitrary way in which these residential bonuses are allocated in terms merely of population levels, instead of in terms of reliable indices of the cost of living.

²⁷ Psychologically, if not financially, government employees stationed in the smaller provincial towns are usually better off than their comrades in the metropolitan centers by reason of the relatively greater social prestige which the former enjoy in their respective communities.

pensate for the difference in monetary values was added to regular *indemnité de poste*.²⁸

The second type of supplementary allowance for public officials has grown out of the movement to increase the national birth rate. Concerned for years by a stationary, if not declining, population, the French nation became still more alarmed over the depressive effects of the war upon population growth—fears caused not only by the loss of 1,300,000 men outright, but by the birth of 900,000 fewer babies than the normal expectancy during the period from 1914 to 1918. This was a situation depicted by press, pamphlet, and monograph as a menace to the future of France as a Great Power.

Among the diverse expedients resorted to both by business and by Government in their efforts to stimulate the birth rate was the adoption of a scheme of adjusting wage and salary scales to the size of the employee's family. The textile industry began the experiment by establishing a "compensation fund" (*caisse de compensation*), the effect of which was to make it profitable for no plant to employ unmarried men. It had been frequently contended that one of the leading sources of depopulation was the absorption into the State bureaucracy (if the army, schools, and local services are included) of as many as one out of every twenty citizens. "The subaltern fonctionnaires have few children because they are insufficiently paid, the high ones because they are old."²⁹ The Government, therefore, resolved to correct this tendency by supplementing the regular salaries of its permanent staffs with *indemnités pour charges de famille*.

Initiated as early as 1910 for special groups, family allowances were made in 1917 a general and permanent feature in the civil service. Although their amounts have frequently been increased, the scheme remains unchanged in principle from what its sponsors pushed through Parliament while hostilities

²⁸ Also, of course, generous representation allowances amounting, for example, to 120,000 francs for Berlin, 230,000 francs for Washington, and 250,000 francs for Rome. Cf. *Le Temps*, 14 Feb., 1927.

²⁹ Berthélemy, *Traité* (11th ed.), p. 80, note 1.

were still in progress. Irrespective of the basic salary or wage level, these indemnities are allocated on a fixed progressive scale. In 1929, this ran as follows: ³⁰

For the first child	660 francs
For the second child	806 francs
For the third child	1,210 francs
For each succeeding child	1,411 francs

Other minor relatives—nephews, nieces, brothers, or sisters—and other orphan children actually dependent upon the fonctionnaire are counted as if they were his own children and entitle him to allowances according to the foregoing scale. The indemnity stops when the child (or other relative) reaches sixteen years of age unless he is unable to work because of a physical infirmity.³¹ If, however, both husband and wife are employed by public authorities, the indemnity is not cumulative, but is paid only by the jurisdiction employing the former.

Quite apart from the social justice of recognizing family obligations in adjusting the remuneration of wage-earners and salaried-workers, whether they belong to industry, commerce, agriculture, or the public service, the effects of this scheme of family allowances, so far as I could learn, have done little to stimulate larger families in the *milieu des fonctionnaires*. Despite the combined efforts of business and the government, the latter of which now awards "natality prizes" to all private citizens engaged in rural occupations who are parents of four or more children,³² the national birth rate does not increase. Competent foreign demographers and public hygienists have repeatedly suggested that the difficulty in France arises not from the birth rate, which is nowadays slightly higher than the British, but rather from a disgracefully high mortality rate. How to reduce the latter seems to be the real

³⁰ Beginning in January, 1930, slight increases in this scale were to go into effect.

³¹ In calculating the indemnity, children who have died *pour la patrie* are counted as *living*.

³² These prizes amount to 360 francs for the fourth and 720 francs for the fifth child.

problem to which far-seeing statesmanship would allocate far greater funds from the public treasury than any French government has yet been willing to vote.³³

Since the war, nearly every category of government employees has been the beneficiary, at some time or other, of temporary cost of living bonuses. Usually these were instituted as "stop-gap" expedients to satisfy the demands of subordinate employees hard hit by the rising price level. Down to the time when the franc was legally stabilized in 1928, there was considerable talk in employee circles about the need for a movable cost of living coefficient which would automatically follow the index of retail prices. But no French finance minister was willing to incorporate any such drastic plan into his budget. It was argued that it would make budgetary equilibrium impossible to predicate; and besides, might it not serve to hasten a general fiscal debacle such as Germany had just suffered? Possibly so; but in the meantime the French State, by its dilatory and usually niggardly appropriations for its own administrative personnel, allowed the latter to become seriously demoralized, even to the point of sabotaging government work and deserting its employ as never before. Doubtless the only way to avoid this dilemma would have been to reduce military and naval expenditures sufficiently to provide for more adequate rates of compensation for civil officials. Unfortunately, the abnormal fear complex dominating French national psychology during those years militated against any such ultimately wise statesmanship.

Apart from the general practice of granting supplementary allowances for family obligations and cost of living differentials, other miscellaneous indemnities and perquisites are enjoyed by different groups of public officials. The most substantial of these special perquisites are the free lodgings, or commutation of quarters, which have to be furnished by each

³³ French public health administration is woefully under-developed as yet. In this connection, M. Siegfried argues that the French temperament is opposed to the Anglo-Saxon emphasis upon sanitation and hygiene as "imprisoning the freedom of the spirit."

commune to every primary school teacher stationed within it.³⁴ Besides this, it is the custom for the parents of his pupils, especially in the smaller towns, to keep him virtually supplied with groceries. If, as is often the case, his wife happens also to be a teacher, the economic status of his household is cause for envy among colleagues less favored by living in more urbanized communities or because their wives are content to be merely *maîtresses de la maison*. Every time the question of raising school teachers' salaries comes before Parliament, some deputy of the Right, already apprehensive over the "subversive" radical doctrines espoused by the *instituteurs* he knows, arises to voice his vehement protest against appropriating more of the "poor taxpayer's francs" for teachers already "affluent" possessors of automobiles!

Attention was called in an earlier chapter to the special allowances made to women employees at child-birth. Although these allowances are paid in amounts roughly proportional to basic salary, they offer at best but niggardly assistance.³⁵

In every personnel jurisdiction the regulations set forth in great detail the scale of expenditures authorized for state employees travelling on official business.³⁶ The "official" rate of expenditure varies according to the grade of the *fonctionnaire*, directors and general inspectors being expected to travel first-class on the railways, but subordinate employees having to take second or third, according as their rank allows.³⁷

Whenever employees, because of transfer or re-assignment, are obliged to change their residence, they receive moving expenses, which are likewise calculated in proportion to professional rank and size of family.

³⁴ In one instance which came to the writer's attention an instituteur was obliged by a rural commune to live in a hay loft because the Catholic element wished thereby to drive him out of town!

³⁵ For female laborers in the National Printing Office, for example, the indemnity for child-bearing was limited in 1925 to the derisory sum of sixty francs. *Arrêté* of 16 Aug., 1923.

³⁶ In the P. T. T. departmental code these regulations absorb *eight* printed pages.

³⁷ This, of course, but reflects again the socially stratified character of all French society.

Furthermore, the State has worked out with the railway companies an arrangement whereby all civil as well as military personnel on its pay roll may purchase mileage tickets at substantially reduced rates.³⁸ In a land where travel by steam still holds first place, this is a perquisite highly coveted by the thrifty *bourgeoisie*.

Finally, over-time work by clerical and manipulative staffs is paid by the hour at special rates arrived at by agreement between the Treasury and staff associations. Although considerably higher than the regular rates, they are, by and large, somewhat less than "time and a half." For extra work at night or on holidays, the over-time rate is increased by one-third to two-thirds.

In employee circles the development of the foregoing array of supplementary allowances and perquisites has been received favorably, though without widespread enthusiasm. Those enjoying special bonuses tend to become objects of professional envy on the part of the less favored groups; for it is natural that each class should feel it has a claim to "special" consideration. This situation makes for constant haggling between employee *syndicats* and the Government. For that matter, one is not sure that, except for the family and moving allowances, which are admirable, most of the others have not been a means of camouflaging the general inadequacy of regular wage and salary levels in the public service, barring the path to genuine relief for the administrative "proletariat."

D. HOURS, LEAVES OF ABSENCE, AND WORKING CONDITIONS

In principle, the regulation working day in French civil service varies from seven to eight hours. With few exceptions, indoor employees enjoy a seven hour day, with a forty-two hour week. For most of those engaged in out-of-door activities, or industrial labor, the normal working day runs an hour longer. In accordance with the national custom of taking from

³⁸ Students are also entitled to this reduction.

an hour and a half to two hours at noon for lunch, nearly all government offices follow a daily schedule which permits to their staffs a longer mid-day break than is the practice in America. This puts the closing hour as late as six, or in some cases, seven o'clock. The industrial establishments operated by the State tend to conform to general legislation regulating hours of labor.³⁹ Only exceptionally, however, is the Saturday half-holiday observed in the administrative services.

As a result of the recommendations of a special ministerial commission set up in 1925 by M. Painlevé's Government, the conditions governing leaves of absence have been regularized for each category of classified personnel irrespective of departmental lines. Four different kinds of leave are recognized. First is the *annual* vacation leave on full pay to which every employee is entitled. Its minimum duration is twenty-one days, but many departments allow a full month, particularly for upper-grade officials. For judges and elementary school teachers, two months are granted; for secondary teachers, two months and a half; and for university professors, four to six months. High officials whose appointments are unregulated by law may be granted leaves varying with the minister's discretion. This usually means a vacation period of six weeks or more.

The next two classes of leave are either conditioned by the incurrence of physical disability or are granted for personal convenience. Accorded on proper certification by a departmental or other acceptable physician, ordinary sick leave carries with it full salary and allowances during the first three months and half salary for the second three months. In case of tuberculosis, civil servants have the right to more extended leaves. During the first three years they are paid their entire salaries, with half pay for two years thereafter. At the expiration of five years, they are either re-instated to duty or placed on a disability pension. If the operation of the service is not

³⁹ Although the eight hour law of 23 April, 1919, does not formally apply to the public services.

thereby prejudiced, leaves without pay may be given upon the employee's request for his personal convenience or professional development. Thus teachers and professors may ask for leave not to exceed five years for the purpose of studying or teaching abroad. Administrative and technical officials who consent or request to be placed on detached service with local authorities or private concerns have a status equivalent to an extended leave of absence without pay. It is becoming the rule in most personnel jurisdictions, however, to limit the duration of such leaves to a prescribed period, which is usually five years.

Finally, there is the *maternity* leave on full pay. This is granted to all female civil servants upon bearing children, half of it coming before and half after accouchement. A further leave of two months may be allowed in case the mother's health demands it.

That the foregoing provisions are based on a decidedly liberal attitude will at once be admitted. Less can be said, however, in approval of sanitary and medical arrangements affecting public employees. It is notorious that most French government offices are inclined to be dirty, poorly ventilated, and filled with old fashioned and often physically uncomfortable desks, chairs, and so on. Every visitor to the country has had the unpleasant experience of having to breathe the stale air of its *bureaux de poste*, many of which also lack proper toilet facilities for the employees. Given such a malodorous setting, the foreign observer cannot help suspecting that the service of sanitary inspection prescribed in the official postal regulations must be woefully ineffective. One cause for this may be the exceedingly meagre compensation received by the members of this inspectional corps, resulting in a third rate personnel inadequate in number. As new postoffices and other public buildings one by one replace the old unsalubrious structures of by-gone days, sanitary arrangements appear to be improving; but there is a long way yet to be travelled before they can compare favorably with German, Scandinavian, or

British conditions. This is a reform which is constantly being pressed by the organized body of French civil servants.

Of "welfare" work for the State's army of workers there is equally little. On paper, at least, the larger administrations, especially the P. T. T., provide medical treatment in cases of illness contracted in line of duty. This service, however, extends only to subaltern employees stationed in urban centers and would seem in general to be woefully inadequate, if one accepts the testimony constantly appearing in staff journals. On a basis of mutual-sharing by State and employee groups, modest sickness benefits have been established in a few services, as, for instance, in the customs and P. T. T. In others, small Treasury subventions are available for emergency assistance to the families of retired employees and the widows and orphans of those who die too young to receive any considerable pension.

Government hospital facilities, recreational equipment, and provisions for staff sports are virtually non-existent in the national civil service.⁴⁰ What their installation would do to improve staff morale and develop *esprit de corps* appears as yet to be outside the range of thinking of French budget makers.

E. DISABILITY AND RETIREMENT PENSIONS

In drawing able men and women into government work on a permanent career basis, the expectation of receiving a superannuation pension everywhere constitutes one of the principal motivating forces. In a country where, as in France, a sense of security for oneself and family means so much more than the desire for large immediate gain, the system of retirement annuities established for the army of modestly paid men and women in State employment plays a rôle of capital importance.

The origins of the present French retirement system for

⁴⁰ More of this sort of thing has been done for the police services of the larger cities, especially Paris.

civil employees may be traced to the practice, under the *Ancien Régime*, of granting special gratuities to servants of the Crown. At the outset, such gratuities were conferred in the king's pleasure, almost exclusively for military achievement, but little by little they came to be extended to civil councillors and servitors of the sovereign. Governing the conditions or amounts in which these favors were allocated, there was no semblance of rule. After the outbreak of the Revolution, an abortive law passed in 1790 prescribed in principle that the allocation of pensions or gratuities should be conditioned upon the rendering of service during a fixed period of time, the amounts to be determined by the National Assembly. Not even these rudimentary rules could then be applied on account of revolutionary disturbances. Although re-enacted under the Consulate, they proved insufficient because, as direct charges against the national treasury, the sums available for pensions were limited to amounts fixed in advance. Simultaneously, certain of the administrative departments instituted retirement funds of their own by retaining a small percentage of the salaries paid to their staffs. If and as these funds became exhausted, the Treasury had to be drawn upon to meet the engagements made with the employed personnel.

From the fiscal standpoint, such a confused situation could not continue indefinitely without disastrous consequences. Attempts were made to regularize it in part by legislation enacted in 1817-18, but it was not until 1853 that an ordered plan of retirement pensions for the civil service was set up by law.⁴¹ Modified in detail, especially in 1913 and 1915, this act laid down the general bases of a permanent retirement system which operated without substantial change until after the World War.⁴²

Even before the economic difficulties arising from the war made a general recasting of the scale of retirement annuities

⁴¹ An act passed in 1831 had previously initiated military and naval pensions.

⁴² E. Rabany, *Les Pensions civiles de l'Etat* (Paris, 1916) is the standard commentary on this pension legislation.

indispensable in elementary justice to the personnel, three lines of criticism against the existing system had developed. First, it was attacked on the ground that its scope was too limited, since neither manual laborers in the employ of the national government, nor colonial workers, nor local civil servants were covered by the act of 1853.⁴³ A second objection frequently voiced by the beneficiaries of the system arose from shortcomings in the range and rate of pensions.⁴⁴ A fonctionnaire quitting State employment prior to the minimum period of service required for a pension lost both the annual contributions he had made and the accrued interest; that is to say, there was no flexible arrangement allowing proportional rights to pensions. Nor were the families of State employees dying prematurely adequately provided for. Likewise, neither sickness nor accident insurance was in any substantial degree a part of the system.

But its most serious defect, causing increasing complaint in governmental circles, lay in its unsound fiscal foundation. In principle, the system was based upon compulsory contributions by the employees, five per cent being normally deducted from their annual salaries, and eight and one-third per cent at the time of initial appointment, re-instatement, or increase in salary. These contributions, however, were not "capitalized." Paid into the general Treasury, they served in fact merely to help meet the aggregate charges for pensions on the annual budget of the Government. Thus the Treasury took care of whatever discrepancy developed between the total bill and the sum contributed by the employees—a discrepancy that tended to widen as their numbers expanded. It was argued that for this partly-contributory plan—an illogical compromise at best—there ought to be substituted a system financed

⁴³ Nor did the general old age pensions Act of 1910 apply to State employees.

⁴⁴ In the national budget for 1912 the aggregate bill for pensions to retired civil servants amounted to only 79 million francs, whereas 169 millions were spent for military pensions. *La Tribune du Fonctionnaire*, May, 1913.

entirely either by the Treasury itself or from a reserve fund built up wholly from employee contributions.⁴⁵

The aftermath of the war brought matters to a head. So long as living costs remained relatively stable, and the credit of the State continued unimpaired, the existing pension system, even if not wholly equitable, functioned passably well. But by 1921, the State was facing a doubly urgent problem: how to provide for millions of disabled war veterans and their families, as well as for the civil service, from a budget weighted down with debt charges. "*Péréquation des pensions*" became almost as much the battle cry of the associations of fonctionnaires as "*péréquation des traitements*." Two extra-Parliamentary commissions studied the question during 1919-21, the recommendations of the second being adopted by the Government as a *projet de loi*. On account of monetary difficulties, however, it required two years of stormy debate before Parliament and the Government could agree on general pension reform, and then only after the terms of the original bill had been drastically altered so as to curtail the number of categories of personnel benefited and reduce the fiscal commitments involved therein.⁴⁶ As finally voted in April, 1924, the reform act incidentally represented a partially successful attempt to codify existing legislation covering military and naval as well as civil pensions.

To understand the civil retirement system that has operated since 1924, a brief analysis from four points of view seems advisable: (1) what is the fiscal basis of the system? (2) who are entitled to pensions and under what conditions? (3) what is the method of calculating the amount of the pension and of paying it? and (4) how is the system administered? ⁴⁷

⁴⁵ Cf. Berthélemy, *Traité* (11th ed.), p. 929.

⁴⁶ The Poincaré Government fell on 26 March, 1924, on this issue of *péréquation*.

⁴⁷ For the substance of the observations which follow the writer has drawn heavily upon Georges Michel's *La Réforme du Régime des Pensions* (Paris, 1925).

(1) *Fiscal arrangements.* Provisionally, the only change made in the financing of the pension system was to increase the annual contribution by employees from five to six per cent of their salaries. At the same time, the law provided for the establishment of a retirement reserve fund (*caisse des retraites*) into which employee contributions were to be paid and subsequently capitalized, and to which the Treasury was to add subventions as needed. It was contemplated that under this arrangement reserves sufficient to meet the entire pension bill would ultimately be accumulated and that the system would therefore become actuarially sound. The reserve fund was to be administered by a council of 24 members, representing equally Parliament, the Administration, and staff groups. In its discretion, this council could invest pension funds in securities issued by the national or local governments.

In outline, this is the permanent fiscal régime provided by the act of 1924. But it had not yet, at the time of writing these lines (April, 1930), gone into effect. On account of the unstable monetary situation prevalent during the years the law was debated, it was finally voted to defer the setting up of the *caisse des retraites* until such time, presumably within five years, as the Minister of Finance should decide that budgetary equilibrium had been attained. Now that the franc has been legally stabilized and the French Treasury is enjoying the odd sensation of having annual surpluses, it is likely that the Government will attempt to put its pension system on what it is hoped will be a sound actuarial basis.

(2) *Conditions of Obtaining Pensions.* The only class of national government employees not included within the scope of the act of 1924 is manual labor.⁴⁸ Instead of extending to this group the benefits of the general retirement scheme, Parliament let them remain under the less generous provisions

⁴⁸ In reference to retirement status, the Council of State has held that laborers employed in governmental industrial enterprises fall within the category of *private* employees. Cf. Hauriou, *op. cit.*, pp. 612-613.

of a special act (of 1919).⁴⁹ Nor were local and colonial civil servants brought within the general system. But all other categories, regardless of rank or kind of work, are entitled to retirement and disability pensions as fixed by the 1924 statute.

Legally, "the pension is not a favor, but the acquittal of a debt, even if the amount due is superior to the capitalization of the contributions exacted (from the employee)." ⁵⁰ According to French jurisprudence, it is thus an obligation which the State is bound to fulfill. To give the administration time to arrange for the vacancy left by the retirement of an employee, he is required to give six months' notice of his desire to leave.

Perhaps the most important innovation brought in by the 1924 act is the provision whereby employees who resign their posts before they are entitled to a pension do not lose the amounts annually deducted from their salaries.⁵¹ The aggregate sum of these amounts, plus accrued interest, is transformed into a paid-up endowment which can be claimed five years or more after withdrawal from State service. By special dispensation, women employees with three children living may receive immediately, in a lump-sum payment, what has accrued in their favor.

Aside from the situation caused by resignations not resulting from physical invalidity, there are two general ways in which State employees become entitled to pensions. The first is outright *retirement* after at least (1) thirty years of service and (2) the attainment of the age of sixty years. Although this is the general rule, an exception is made in the case of women employees who are married or are mothers; the latter may retire on pension after fifteen years in State employment regardless of age. A second exception permits male employees in certain field establishments (*employés dans les services*

⁴⁹ They were subsequently accorded an improved status by the Act of 16 March, 1928.

⁵⁰ Berthélemy, *Traité* (11th ed.), p. 930.

⁵¹ Berthélemy (*ibid.*, p. 932) contends that this provision applies to dismissal as well.

"actifs") to retire at the age of fifty-eight after twenty-five years of service.⁵²

A second type of pension is accorded when physical disability prevents the employee from continuing in the public service. If his disability results from "an outstanding act of devotion to the public interest," he becomes entitled to an annual pension equal to three-fourths his salary at the time of disablement; on the other hand, if the disability is incurred in ordinary line of duty, the pension rate is only one-third his salary, unless the retirement rate at the time of disablement is higher. Should the disability result from causes not connected with his official duties, the State provides a smaller annuity which, by and large, is equivalent merely to what his own contributions will purchase.⁵³

(3) *Calculation of the Superannuation Pension.* As has been indicated, the legal age at which French civil servants may retire on a superannuation pension is sixty years for office employees and fifty-eight for field workers, provided they have completed thirty or twenty-five years of service respectively. In most personnel jurisdictions, however, retirement at these ages is not compulsory. Employees may be continued in their positions year by year as long as the regulations of the department concerned permit. With comparatively few exceptions, retirement becomes compulsory at sixty-three, although where the necessities of the service require it, employees may be continued, a year at a time, by special arrangement, not more than five years beyond the fixed age, or over seventy-two.⁵⁴

Before the war it was customary to retire most employees as soon as they reached the optional retiring age. But difficulties in recruitment after 1919 led to the practice of keeping men beyond this stage—often to the age of sixty-eight or

⁵² The decree of 21 Dec. 1928, fixes retirement age limits for most of the important civil servant categories.

⁵³ Art. 23 of the law entitles widows to 50 per cent of this annuity and orphans to 10 per cent up to the age of twenty-one years.

⁵⁴ For members of the *Institut de France* compulsory retirement is deferred to the age of seventy-five.

seventy. On account of the abnormally large number of vacancies caused by war casualties this could be done without slowing down the rate of promotion. Since 1927 it would appear that conditions as regards retirement are tending to become more normal.⁵⁵

In calculating the amount of the superannuation pension, one-half the average salary for the last three years of active service is taken as the minimum rate. This is increased by one-sixtieth of the average annual salary for each year of service beyond thirty for sedentary employees, or by one-fiftieth for each year beyond twenty-five for field workers. Fonctionnaires who have reared three children up to the age of sixteen receive an increase equal to ten per cent of their pension, with five per cent more for each additional child. If they have children under sixteen at the time of retirement, the regular *indemnités pour charges de famille* are continued in the same amounts as before. Including all supplementary amounts, the maximum pension may not exceed three-fourths of the average salary for the last three years. To secure this maximum, the beneficiary would ordinarily have to spend forty years or more in the public service.

In passing, it should be observed that the act of 1924 did not stop with liberalizing the retirement privileges of future pensioners. In order to bring the pension levels of those already on the retirement lists into closer harmony with the new scale, it applied to existing pensions a series of coefficients varying from 3 to 2 in inverse ratio to the amount of the old annuities.⁵⁶ Since 1924 subsequent legislative enactments have successively raised the scale of retirement and invalidity annuities all along the line.⁵⁷ But the basic principles condition-

⁵⁵ As a matter of fact, those doing intellectual or any type of sedentary work are often allowed to remain in active service a year or more beyond the "legally compulsory" retirement age.

⁵⁶ In part, this was done in response to the clamor from petty employees for *péréquation* of pension rates.

⁵⁷ Cf. especially the acts of 16 July and 27 Dec., 1927, and 16 March, 1928. The maximum retirement annuity allowed by the second of these statutes was 30,000 francs.

ing their application remained unchanged when these lines were written (1930).

(4) *Administration of Pensions.* Contrary to the practice usually followed in American public services, there is in France no central board to administer civil pensions. Each personnel jurisdiction keeps in its own files the service records (*dossiers*) of its staffs. From the data contained therein, it prepares a certificate authorizing the payment of the pension and sends the document to the proper bureau in the Treasury (*Direction de la Dette inscrite*). Upon receipt of this certificate, the bureau proceeds to make payment to the beneficiary out of its funds.

Thus the fonctionnaire is dependent for the receipt of the pension due him upon the honesty and accuracy of the officials handling his *dossier*. If their decision seems to him to be wrong, if his demand for a pension fails to receive satisfaction, he may within three months appeal to the Council of State for judicial redress. For several years following the war a surprisingly large number of such appeals was taken. Many instances occurred in which negligence or favoritism in handling pensions was flagrantly revealed. The writer found in examining the files of *Les Cahiers de la Ligue des Droits de l'Homme* for the period 1921-26 scores of distressing cases where aged ex-school teachers and other subordinate employees, failing to receive their pensions because of petty technicalities, had been reduced to destitute situations until *La Ligue* appealed to the authorities in their behalf. Some of these faithful servitors of the State, or their widows, were left for years without resources simply through the carelessness of some clerk in a personnel bureau in Paris. Protests by the organized personnel against such loose methods became chronic.⁵⁸ While some of these complaints were motivated by petty annoyances, it seems obvious to a neutral outsider that

⁵⁸ Retired civil servants have formed their own syndicalist organization, which holds an annual congress and formulates petitions to the Government and Parliament. Cf. *La Tribune du Fonctionnaire*, 13 Oct., 1928, for an interesting account of the congress of that year.

the mechanics of administering pensions ought to be simplified and accelerated.

Concluding Observations. Ideally, according to Lewis Meriam, a retirement system for public employees should serve several objects, including (1) the elimination of the unfit from the service, (2) the improvement of the morale of those who remain, (3) the retention of competent employees who might otherwise be attracted to positions elsewhere, and (4) the attraction to the service of better men and women.⁵⁹ Of the systems now in effect in important national civil services, the French plan perhaps approaches as nearly to this ideal as any. While it by no means satisfies all classes of fonctionnaires, many of their leaders and professional journals admit that its provisions are comparatively liberal.⁶⁰ By helping to compensate in some measure for the low general level of civil service salaries, the elaborate system of retirement pensions is a lever of considerable force in attracting candidates to middle- and lower-grade posts in the public service, although its effect is being relatively lessened by the enactment of State old-age pension legislation for industrial and farm workers and the adoption of retirement schemes by large French industries.

In actual fact, however, the civil service retirement system, despite its provisions for proportional pensions in case of premature withdrawal from the service, does comparatively little toward eliminating those who have become inefficient through psychological stagnation, or dissuading employees of outstanding ability from accepting positions elsewhere. The unfit usually stay on and the exceptionally gifted all too frequently depart.⁶¹ This is so chiefly because, as we

⁵⁹ Cf. quotation from Meriam in White, *op. cit.*, p. 363.

⁶⁰ The provisions for disabled employees and widows of employees, however, decidedly need strengthening: throughout the years 1928 and 1929 *La Tribune du Fonctionnaire* ran a series of thoughtful articles on needed changes in civil pension legislation and its judicial interpretation.

⁶¹ Courteline, in his *Les Ronds de Cuir* (pp. 123-125), sketches a touching picture of a government employee tenaciously hanging on to his job after the legal retirement age.

shall see later on, the traditional spirit permeating French personnel policy makes dismissals for chronic mediocrity and laziness virtually impossible, while opportunities for rapid advancement rarely occur because of the rigid, quasi-automatic, water-tight compartment promotion system which still prevails in many units.

F. THE FRENCH STATE AS PAYMASTER

It would doubtless be illuminating if one could make an accurate statistical comparison of the scales of pay in the government services with the remuneration of analogous work in private employment. Unfortunately, the undertaking of such a comparison presents for a number of reasons almost insurmountable difficulties. First, reliable detailed data on governmental salaries over a long enough period to measure general trends are at best fragmentary.⁶² Secondly, even if adequate information were available, it would be hard to find comparable occupations inside and outside the public service in a social and economic order where many kinds of work are performed on a part time basis or in conjunction with other activities, not to mention the fact that the largest groups of French adults are still small shopkeepers and peasant entrepreneurs. Thirdly, the State's compensation policy, as we have seen, is composed of several ingredients—basic salary, family allowances, cost of living bonuses, and partly contributory disability and retirement pensions—not all of which exist in private employment. Thus comprehensive statistical comparisons are hazardous. Finally, one would scarcely know how to weight the importance of the relative security of tenure enjoyed by servants of the State as against the precariousness of industrial and professional work.

In spite of the foregoing obstacles, a few fragmentary

⁶² In the report (*Journal officiel*, 30 Sept., 1913) of M. Lucien March, then Director of the Bureau of General Statistics of the French Government, the impossibility, given the low comparability and fragmentary character of ministerial data on salary rates, of even making an accurate comparison of per capita remuneration in the State services, was stressed.

studies of the trend of government pay scales in France, at any rate in relation to price levels, have been made. Supplementing their findings with certain qualitative observations, we can formulate at least a rough, general appraisal of the French state as a paymaster. Our quantitative comparisons, however, will for the most part have to be confined to specific categories of employment.

At the outset, it should be reiterated that the background of government wage and salary rates is rooted in the rigid social stratification of the Old Régime, when service for the Crown was honorary in character. The nineteenth century gradually introduced the principle that civil servants of subordinate, and later intermediate, grade should receive monetary remuneration. But it was not until almost the close of the century that, concomitant with the rise of industrial syndicalism, the budget-making authorities came to recognize how the democratization of public employment made necessary some consideration of the prevailing market rate in fixing wage scales for manual and clerical workers on the public pay roll. Even then it was assumed that most "fonctionnaires," in the strict sense of the term, should be expected to supplement their salaries from private savings and family inheritances. It took the economic earthquake of 1914-1928, which shrunk these *rentes* to less than one-fifth their former value, to complete this evolution. At last the Government was obliged to recognize, albeit tardily, that its army of employees was almost wholly dependent upon their pay envelopes.

From the middle of the 19th century down to the eve of the World War, nominal wages in French industry a little more than doubled, while their purchasing power lagged only slightly behind.⁶³ During this period, the *average* basic salary

⁶³ Cf. March, *Le Mouvement des Prix et des Salaires pendant la Guerre*, p. 38. Taking 1900 as the index year, the trend ran as follows:

YEARS	WAGES	PURCHASING POWER
1850	51	59.5
1880	82	74.5
1900	100	100
1910	110	106

of all government employees entitled to retirement pensions under the law of 1853 increased from about 1,500 francs (in 1866) to 2,100 francs (in 1911), or only 40 per cent. Tracing this variation by ten-year periods from 1861 to 1911, with the *average* salary paid in 1901 by each ministerial department as the base, M. March, the head of the French Statistical Bureau, arrived at the following tabulation: ⁶⁴

MINISTRY	1861	1871	1881	1891	1901	1911
Interior	91	91	97	99	100	117
War	103	91	99	97	100	113
P. T. T.	107	113	118	103	100	110
Finance	85	93	92	94	100	105
Justice	75	87	89	96	100	105
Navy	83	99	106	97	100	101
Public Instruction	85	91	100	102	100	99
Foreign Affairs	80	86	96	93	100	99
Public Works, Commerce, Agriculture, and Labor	70	74	77	92	100	99
Total	89	96	98	96	100	104

This table reveals several significant facts: first, that the average basic salary in the public service by no means kept pace with the upward trend of nominal (or real) wages during the half century prior to the World War; second, that the increase was greatest in the Ministry of Justice, with a predominantly professional staff, and next in the newer economic and social services (Public Works, Commerce, Agriculture, and Labor) where the personnel is mainly scientific and technical; third, that strangely enough the least variation took place in the postal, telegraph (and later telephone) administration, although this is doubtless partially explained by the flattening effect upon average pay of adding large groups of subaltern employees during the last two decades of the period.

Still more revealing are the results when the comparison is

⁶⁴ *Bulletin de la Statistique générale*, Oct. 1913.

made not by aggregate departmental staffs, but by major grades of employment: ⁶⁵

GRADES	1861	1871	1881	1891	1901	1911
Directors and division chiefs..	90	95	93	94	100	99
Chiefs and deputy chiefs of bureaux	83	88	94	98	100	106
<i>Rédacteurs</i> and <i>expéditionnaires</i>	87	98	100	100	100	106
Laborers	74	81	83	75	100	113

Here it should be noted that the increase was proportionately more rapid for subordinate employees, particularly for labor groups closely affiliated with industrial unions, than for upper-grade administrative officials. M. March further pointed out that the remuneration of central staffs increased less than the average for all categories of State employees.⁶⁶

A comparison of industrial wages with civil service salaries, although necessarily based upon partial data, was similarly attempted by M. March, with the following results: ⁶⁷

YEARS	WAGES IN INDUSTRY		CIVIL SERVICE SALARIES	
	Industrial Laborers	Miners	General	Central Staffs
1861		55		89
1870	71	67		
1871		68	85	96
1881		81		98
1890	92	92		
1891		92	99	96
1895	96	89		
1896		91	99	
1901	100	100	100	100
1906		100	107	
1910	110	112		
1911		113	113	104

⁶⁵ *Ibid.*

⁶⁶ Although in terms of salary categories, employees stationed in Paris fared almost as well as those in the provinces.

⁶⁷ The tabulation here presented is a summarized adaptation of M. March's. For numerous years no usable data are available.

Here, again, the discrepancy between the rates of increase for industrial and governmental workers is worth observing. At the same time, it should not be overlooked that the average increases for both classes of employment ran approximately parallel after 1900, except for headquarters' staffs in the public service. By that period the effect of "collective bargaining" by organized subaltern civil service staffs was beginning to make itself felt.

By and large, on the eve of the war, the range of pay for intermediate and subordinate grades in the civil service was somewhat, though not greatly, lower than for corresponding levels of work in industry and the professions. Yet elementary school teachers had received no increases whatever since 1853, and when in 1913 the Government proposed to add 40 million francs to the appropriation for their salaries, the conservative press accused it of "delivering the budget to these fonctionnaires because they teach anti-militarism in their classes."⁶⁸ The Government hesitated, the project was mutilated by Parliament, and the *instituteurs* had to wait until 1919, although that same budget for 1914 included a new credit of 500 million francs for the fabrication of war materials. This instance typifies the "official" attitude of those years with reference to increasing expenditures for civil as against military activities.

Attention has already been directed to the growing difficulty of attracting competent men to responsible posts even before the war rudely upset monetary values for all classes of employees. The economic dislocation that held France in its grip from 1915 until 1928 generalized the *crise de recrutement* for the public service. We have seen how tardily the governments of those years acted in re-adjusting the salaries of their own servants. Despite the increases voted in 1919 and 1921, the real value of these salaries had fallen to the following levels in 1922:⁶⁹

⁶⁸ *La Tribune du Fonctionnaire*, May, 1913.

⁶⁹ H. Montarnal, *Les Salaires, L'Inflation et les Changes* (Paris, 1925), p. 49. According to the *Bulletin de la Statistique générale* for

1913	RANGES OF PAY 1919-22	NOMINAL VALUE | REAL VALUE (1913 Base = 100)	
3,000 frs.	6,000- 9,000 frs.	200-316	85-108
5,000 frs.	9,000-13,350 frs.	180-267	75-90
9,000 frs.	15,000-18,900 frs.	164-230	69-79
18,000 frs.	22,000-28,500 frs.	122-151	51-51
25,000 frs.	27,000-32,500 frs.	108-130	45-44

During the following four years, the economic situation grew steadily more difficult for civil servants and their families until the collapse of the franc in 1926 left them in dire straits.

During the spring and summer of 1927 the writer had occasion to discuss the human aspects of this crisis with more than sixty public officials of all grades, ranging from subaltern postal employees and *instituteurs* to middle-grade clerks, bureau chiefs, and directors at the summit of the administrative pyramid. With varying emphasis and degrees of bitterness, they all told the same dreary tale of a hand-to-mouth existence, of being forced to resort to thrifty subterfuges in order that their families might have even the barest necessities of life. In the cities, where the situation was naturally worse than in the rural communities, it was not uncommon for the households of subordinate State employees, like letter-carriers and tax collectors, to have to content themselves with one meal a day for weeks at a time. There were instances of cultured *lycée* professors abandoning their profession to drive taxicabs, by which they could make at least a livable wage. Scores, if not hundreds, of teachers both in secondary schools and in universities were obliged to piece out their shrunken salaries by giving private lessons, doing miscellaneous public lecturing, or resorting to "hack" journalistic writing. Government clerks took to playing in cinema orchestras in the evening. In thousands of bourgeois homes where the chief breadwinner was employed in a government department,

July, 1922, the average annual salary per capita increased 215 per cent from 1914 to 1922.

most of the simpler modes of recreation and cultural development, such as the theatre, concerts, and books, were no longer in reach of the meagre household budget. Despite their traditional habits of extreme thriftiness, hundreds of these families were reduced to a condition that could scarcely be dignified as "shabby gentility."

It is little wonder that such a deplorable state of affairs should have produced scores of vehement protest meetings in Paris and elsewhere—meetings organized by embittered and demoralized syndicalist leaders.⁷⁰ Small wonder, too, that strikes were more than once threatened and that several temporary local strikes, especially in the P. T. T., were actually staged as a desperate but dubious means of hastening relief from a slow-moving and none-too-sympathetic Parliament.⁷¹ From his personal observations, the writer is convinced that some of the communist nuclei among the postal employees in and around Paris went so far as to attempt "sabotage" in the performance of their duties during that hectic summer. By an overwhelming majority, a convention of employees of the Division of Indirect Taxes meeting in Paris voted to "diminish their returns" to the Treasury if the tentative decisions of the Martin Commission were not revised upward.⁷² It was currently reported that fiscal frauds had alarmingly multiplied throughout the revenue services, and that some of the assessors and collectors of taxes were selling inside official information to private interests.⁷³

The situation became so bad that the leading liberal weekly in Paris, *L'Europe nouvelle*, devoted its entire issue of 26 March, 1927, to "*La Crise des Cadres de la Nation*." What most alarmed thoughtful observers was the exodus of superior administrative officers from the public service to accept hand-

⁷⁰ The writer attended several of these stormy gatherings, at which dire threats were hurled at Poincaré and "the banker clique ruling France."

⁷¹ Cf. Chap. X for a fuller discussion of these strikes.

⁷² Quoted in *L'Humanité*, 11 June, 1927.

⁷³ *L'Europe nouvelle*, 26 March, 1927.

some offers from big insurance companies, newspapers, banking houses, and industrial concerns.⁷⁴ In discussing the budget in the Chamber (27 November, 1926), M. Painlevé called attention to the fact that many posts were "deserted." With importing and exporting houses holding out to ambitious young men flattering opportunities to make immediate fortunes in Africa or Indo-China, why should they be satisfied with the meagre compensation attached to posts in the State colonial service? Resignations of school teachers, almost unheard of before the war, became frequent. A former student of an eminent professor in Paris, so the latter related to the writer, refused to stay in teaching even after having gone through the rigorous process of obtaining his *agrégation*; instead, he accepted an attractive position with a large insurance company, although knowing absolutely nothing about the technical side of insurance. "You are an *agrégé*," said the manager; "well, that is enough, you can give us many new ideas!" Instances like this might be indefinitely cited.

In appraising the Government's action in the face of such a *crise de recrutement*, one finds it difficult to strike a just balance. Certainly relief was given too slowly. It was January, 1928, before the new scales of salaries, running from 8,000 to 80,000 francs as determined by the Martin Commission, went into general effect.⁷⁵ This was almost two years after the monetary crash occurred. These increases, moreover, were granted with great reluctance.

Nor did they provide for anything like a complete "revaluations" (on the 1914 basis) of salaries in terms of the cost of living. With the franc stabilized at four cents, and prices not over fifteen per cent lower in France than in the United States, the new rates of basic pay ranged from \$300 to slightly

⁷⁴ As one of many cases of this ominous "leakage" in 1927 may be cited the resignation of the Director-General of the Division of Indirect Taxes to accept a position on the staff of the *Banque de l'Afrique française*.

⁷⁵ Piece-meal increases had been granted during the latter half of 1926 and throughout 1927.

less than \$3,500. A highly trained State engineer, after years of service, could hope for a maximum salary, not including small allowances for dependents, amounting to only 50,000 francs (\$2,000); a distinguished professor at the Sorbonne, 54,000 francs (\$2,160); an inspector general in the Ministry of Finance, 60,000 francs (\$2,400); the Prefect of Police, 80,000 francs (\$3,200).

It was with the minimum and lower-grade salaries provided on this revised scale that the rank and file found greatest fault. In December, 1926, the annual Congress of the *Fédération des Fonctionnaires* put forth a demand for a scale ranging from 10,800 to 140,000 francs. The lower figure was arrived at by multiplying the basic rate of 1,800 "gold" francs promised by the Villeneuve Commission of 1919 by a coefficient of six, the index of prices having by 1926 reached 600. Later, the embattled fonctionnaires compromised on 8,000 (an adjustment to an index of 444) as a temporary expedient, provided it were made retroactive to August, 1926. Although the Government reluctantly accepted 8,000 francs as the minimum, it refused to allow the new figure to go into effect until January, 1928, invoking budgetary difficulties as the reason.⁷⁶

Against this decision, the large staff associations brought the counter-charge that less than one-sixth the aggregate revenues of the State were expended on civil salaries and that a slight increase in the scales of pay for subaltern employees would in reality add but little to total budgetary obligations. A vigorous campaign for raising the minimum to 9,000 francs was waged increasingly during 1928, ministers and parliamentary finance committees being repeatedly besieged by delegations from the two chief staff service groups—the general *Fédération des Fonctionnaires* and the Postal Federation. Instead, however, of raising minimum salary rates, the Government proceeded to elevate the maximum from 80,000 to

⁷⁶ Since the war the Foreign Service has been paid on a *gold* franc basis, as a result of which its range of salaries runs up to about \$8,000 for ambassadors.

120,000 francs. Cries of "exploitation" of the *petits* in favor of the *gros* fonctionnaires, burst out anew. Still the Government hesitated. Its fiscal situation, meanwhile, was steadily improving, substantial surpluses having accrued to the Treasury during 1927 and 1928, with still more favorable prospects for 1929. Moreover, the fact that the franc had been legally stabilized in the spring of 1928 at last removed the most thorny obstacle to complete "revalorization" of salaries. After extensive debate, it was eventually decided to " earmark " a credit of 1,500,000 francs to become available in three annual increments during 1929-31. These additional appropriations, it was officially announced, would establish by 1931 a salary range of 9,000 to 150,000 francs, or \$360 to \$6,000. At the date of writing these lines (December, 1929) actual salary rates ran from 8,500 to 130,000 francs.⁷⁷

Throughout this struggle between the Government and the mass of its employees, the principal point at issue concerned whether the rank and file at the bottom of the pyramid or the few at the top should receive preferential treatment. If we compare the foregoing "official" scales of pay with those demanded by the civil service federation, this issue stands out clearly:

YEAR	"OFFICIAL" PROPOSALS (In francs)	STAFF PROPOSALS (In francs)
1929	8,000-120,000	9,000-100,000
1930	8,500-130,000	10,000-110,000
1931	9,000-150,000	10,800-125,000

Viewed from a humanitarian angle, the claims of the clerical and manual workers seem to an outsider to be entirely justified. Fundamentally, there was no valid excuse for the persistently dilatory tactics of the Government in regard to revising upward their deplorably low rates of pay.⁷⁸ Yet, if

⁷⁷ The aggregate amount added to the national budget for salary revision from 1919 through 1928 approximated 6,500,000,000 francs.

⁷⁸ It is significant to note that the minimum budget for a Parisian laborer living alone in 1929 was calculated in *La République* to be 14,400

account be taken of their family and cost of living allowances, these classes of employees were, at any rate after the increases granted during 1927, as well off as similar workers in industry, retail shops, and commercial concerns. For instance, a janitor or manual laborer in State employment getting 9,000 or 10,000 francs a year was remunerated at the rate of $3\frac{1}{2}$ to 4 francs an hour, which was considerably better than the hourly wages paid to unskilled industrial workers.⁷⁹ In 1928, the wage and salary schedules for French railroad employees ran closely parallel to those then in effect for corresponding grades of government workers, although there was a slight salary differential favoring employees of the Bank of France as against civil servants performing analogous office work.⁸⁰

So far as intermediate and upper-grade officials were concerned, there is no question that the Government's proposals were more than justified. Indeed, they were long overdue. Even with a salary scale attaining a maximum of 150,000 francs for a few directors-general, two prefects, and the presidents of the Courts of Cassation and Accounts respectively, it is likely to be difficult in the future to retain first-rate men in responsible government posts. For as the process of industrialization advances in France, an increasingly elevated scale of remuneration will doubtless be adopted by the better com-

francs a year, a total allowing nothing for books, newspapers, or cinema. When this is compared with the 8,000 francs minimum then obtaining in the public service, it is evident that, after taking indemnities and perquisites into full account, governmental rates of pay were still at least twenty per cent below what was required for a decent standard of living for an industrial worker, the conclusion being that both classes of work were socially underpaid.

⁷⁹ Furthermore, certain types of government employment, particularly the custodial, which were remunerated on a part-time basis before the war, are today paid on a full-time basis though they are still part-time jobs.

⁸⁰ If ownership of motor cars be taken as a criterion of economic status, fonctionnaires as a class were shown to be in a relatively unfavorable position in 1928 by an analysis of distribution published by the *Etablissements Michelin*: only four per cent of the total number of automobiles were then owned by government employees; yet with their families they must have accounted for from twelve to fifteen per cent of the population.

mercial, industrial, and financial concerns. Already many of them are offering annual salaries of 300,000 to 400,000 francs (\$12,000 to \$16,000) to their upper executive and technical staffs.

The spirit of freedom and initiative which has taken hold of French youth since the war has created a radically different problem for the Government in recruiting the public services.⁸¹ To the new generation, life seems too short to undergo long years of training and patient effort when the rewards to be looked forward to are paltry in comparison with the allurements of the business world.

G. CONCLUSIONS

To put the matter concisely, if the French State wishes to keep the quality of its administrative officers on the high plane in which it liked to glory during the 19th century, it will frankly have to face the fact that per capita salary rates all along the line must be still further increased. It will not do merely to re-establish parity in purchasing power with the "normal" pre-war situation. For social experience everywhere since 1918 has demonstrated that to try to return to "normalcy" is futile.

This does not necessarily mean the adoption of a salary policy on as high a monetary scale as British or German civil servants are accustomed to. Social habits and standards of living in the three countries are now, and probably will in the future remain, appreciably different. But an objective view of the unusually favorable economic situation which France had regained by 1929 leads one to believe that the Government can go much further in this direction than it has yet been willing to go.⁸² As was pointed out in Chapter I, its

⁸¹ Moreover, the shortage in man power created by the loss of 1,235,000 unborn children (1915-1919) will seriously affect the situation until, perhaps, 1950. Cf. the analysis given in the *New York Times*, 11 May, 1930.

⁸² Ogburn and Jaffé, in *The Economic Development of Post-War France* (New York, 1930), amply bear out this view.

aggregate pay roll of approximately eight billion francs absorbed in 1927 but 22 per cent of the total expenditures for the year, giving an average per capita compensation of only a little over 11,000 francs. The increases made since, amounting roughly to a billion and a half francs, bring the latter up probably to something less than 14,000 francs (\$560) a year in a country which now possesses the second largest gold reserve in the world and comparative industrial prosperity!

Whether further substantial increases in civil service salaries can be made without adding to the French taxpayer's burden will depend partly upon whether future governments will dare re-distribute State appropriations in favor of *productive* social and economic services by reducing outlays for military and naval purposes; partly, also, upon the possibility of a genuine *re-classification* and *reduction* (both, not merely one of these!) of civil personnel. For 1930, the national budget earmarked an expenditure of 48 per cent of the total estimated revenue for debt and military pensions, 20 per cent for the military and naval establishments, and another 11 per cent for tax collection, the judiciary and prefectorial administration—79 per cent in all. This left only 21 per cent for the "productive" services, allocated as follows: ⁸³

PERCENTAGES	
Commerce, Agriculture, Colonies,	} 9.62
Public Works, Commercial Aviation,	
Merchant Marine, Port Development	
Public Instruction	6.66
Labor, Public Hygiene and Insurance	3.62
Foreign Service	0.57

It is hardly in order here to pass judgment on whether it would be wise statesmanship for France to curtail expenditures for national defense.⁸⁴ So long as national psychology

⁸³ These percentages are taken from the report of the finance commission of the Chamber of Deputies as quoted in *La Tribune du Fonctionnaire*, 21 Dec., 1929.

⁸⁴ In this connection, it is not generally realized that France is the only great power except Germany which is spending less on armaments than before the war.

is dominated by a "fear-security" complex, as has constantly been the case since the war, few political leaders would long stay in power if they tried it, especially in view of Fascist Italy's fulminations to the South. Nor do the civil servants collectively propose such a course of action in their own interest. As debt charges fall, of course, French finance ministers will have more leeway to meet the growing demands of the civil services.

On the other hand, government jobs ought certainly to be spread less thinly in the interest of efficiency and morale as well as better pay. The potentialities of reduction in staff personnel are greater, I think, than most Frenchmen realize. But when in 1926 M. Poincaré dared abolish by decree 106 sub-prefectures, 70 "departmental" secretaries-general, and certain other local representatives of the central government, his action, mild as it was, met with a storm of protest from every provincial town and village affected. The shopkeepers and peasants resented having to travel a few miles to the next town to adjust whatever fiscal and judicial business they might have with the State.

In a very real sense, what would do more good than the outright abolition of administrative offices is a more effective utilization of existing personnel in conjunction with a suspension of recruitment. "Everywhere," recently wrote Sisley Huddleston in a sympathetic appraisal of French life, "there is misemployment. In the postoffice you will see long files of waiting patient members of the public before one *guichet* while the clerks behind six other *guichets* have apparently nothing to do except to fill up forms. To have a parcel weighed or a letter registered is an endless operation."⁸⁵ But how to modernize personnel management in a traditionalized public service is a complex matter, the ramifications of which will be discussed in a later chapter.⁸⁶

Here it will merely be suggested that in addition to co-ordinating better the work of distinct but closely related depart-

⁸⁵ *France* (London, 1926), p. 587.

⁸⁶ Cf. Chap. XVI.

ments, fusing certain overlapping services, and establishing a flexibly administered, comprehensive, and scientific classification scheme, there ought to be some definitely recognized institutional device by which disputes over pay and conditions of work could be adjudicated. An institution analogous to the British Industrial Court to arbitrate civil service claims is badly needed in France. According to departmental regulations, aggrieved staff members are supposed to submit their grievances "through hierarchical channels" to the head of the service concerned. These grievances are usually first presented in writing. The *chef de service* may grant an audience to representatives of any group seeking redress. If the matter is very important, or if it affects a large number of employees, the Minister himself will frequently hear their complaints in his own office. Since the war, as we have seen, the special commissions set up to effect salary adjustments have customarily held protracted hearings at which staff delegations were permitted to present formal proposals or testify in behalf of their constituents.

At best, this procedure is spasmodic and dependent upon the arbitrary will of the superior officer or special commission; although where the latter includes representatives of the staff, it acts as a fairly effective *ad hoc* channel for the airing of employee grievances. If, however, there were some permanent tri-partite agency representing the public along with the two parties immediately concerned, and possessing broad advisory powers as to the settlement of claims arising between government and staff, the effect on the morale of the latter would be decidedly wholesome. The existence of such a "court" might also tend to diminish—even if it would not eliminate—lobbying by employee groups in the corridors of the Chamber and Senate. A court of three members might well be constituted by appointment from panels established by the Ministry of Finance and the staff associations respectively, with the third representative selected by agreement between the other two. Thus flexibly set up, the court could hear intra- as well

as inter-departmental claims. Without just cause, few cabinets would dare flout its recommendations. By such a co-operative procedure, staff attitudes, if reasonable and intelligent, could not help influencing, in a more direct and normal fashion than is now possible, the formulation of the general compensation policy of the administration.

Yet, notwithstanding greatly improved institutional arrangements, the adoption of a more scientific classification plan, or even a more efficacious utilization of less numerous staffs, it may be too much to expect a genuinely liberal policy for remunerating French civil servants. The great vice of the French people is jealousy and mistrust. No one wants his neighbor to have much more than himself.⁸⁷ The shopkeeper and peasant, who still hold the keys to political action, look upon the fonctionnaire and educator as favored by an "easy" existence. Why, therefore, should they be well paid? Wealth, be it remembered, is far more evenly diffused in France than in any other large nation.⁸⁸ So long as this complex of "economic equality" continues to dominate the political horizon, one may doubt whether any government, all difficulties of securing adequate funds from the taxpayer aside, will soon risk itself on the altar of liberality to the "ubiquitous" fonctionnaire, from whom, as it is whispered *dans le milieu du peuple*, "all ills come."

⁸⁷ The writer is indebted to M. Siegfried for insight into the pervasiveness of this trait in French psychology.

⁸⁸ In 1925, two-thirds of all estates registered for the payment of death duties were below 10,000 francs each, while only two exceeded 50,000,000 francs (roughly \$3,000,000 at current exchange rates). *New York Times*, 2 Nov., 1927.

CHAPTER IX

THE MOVEMENT OF PERSONNEL: PROMOTION, TRANSFER, TURNOVER

"Persons of pre-eminent abilities when they appear, should have scope for their abilities at almost any sacrifice of system and regularity."

—SIR HENRY TAYLOR, *The Statesman*.

In the interest of morale and efficiency, policies affecting the movement of personnel inside a public service are as vitally important as the conditions of preparatory training, recruitment, and compensation. Broadly considered, each phase of personnel management is a function of the totality of the other elements composing it. No matter how able the staffs initially attracted to government service may be, whether the *ablest* among them will have adequate scope for their innate capacities depends in large measure upon the area and rate of promotion to superior posts. This in turn is conditioned upon several inter-dependent factors, notably the extent to which employees may be transferred from one organizational unit to another, the ratio of lower to upper grade positions, provisions for the rapid advancement of men of exceptional ability and promise, and the general rate of staff turnover. There is the further moot question, upon which expert opinion is still widely divergent, of the degree to which the better paid and more responsible positions ought to be filled with "fresh blood" from the outside rather than from the subordinate ranks of the service itself. Finally, assuming that it is generally desirable to promote from "within" except when "there are impelling reasons to the contrary," one has still to

decide upon what basis individual employees should be selected for advancement.

At least four distinct methods of promotion "have been used either alone or in combination. They include the unrestricted selection of the superior officers, seniority, competitive or pass examination, and efficiency or service ratings."¹ Rarely, however, is any one of these principles exclusively applied in a given public service—or business concern, for that matter. In general, the tendency is to rely less on seniority and more on selection in proportion as one ascends the administrative hierarchy. Directing officials usually favor discretionary selection so that they may be the sole judges of the fitness of their subordinates to fill posts involving larger duties and heavier responsibilities. Only by being allowed to pick freely, it is argued, can they ensure that merit alone will be rewarded. However this may be in ideal theory, wide experience shows that it is difficult for most officials to divorce favoritism and personal bias from considerations of merit. As human beings they are always more or less susceptible to extraneous influences.

It is not surprising, therefore, that the rank and file tend to prefer a more automatic system—one that makes mandatory increases in pay and confers superior grades as a matter of course after prescribed lapses of time. "Seniority eliminates discord among their number and diminishes the occasion for the formation of cliques; it is certain, however slow; and it is relatively immune from political interference."² Since mere length of service, however, can scarcely serve as a sole criterion of competence, pass examinations are often used in conjunction with seniority so as to bar automatic advancement to those whose performance does not attain a certain minimum standard. In reality, the weighting of these two elements—length of service and ability to make a fixed grade on a specific test—means quasi-automatic promotion, tempered now

¹ White, *op. cit.*, p. 310.

² *Ibid.*, p. 311.

and then by the rejection of the palpably unfit or incurably lazy.

Pushing the notion of applying composite criteria a step further, recent personnel practice in various countries has developed what is known as efficiency ratings, to be taken into account along with seniority in selecting individual employees for promotion. Sometimes to these two elements is added a third, namely, a competitive (instead of a pass) examination, the relative weighting of the three depending upon the administrative "level" of the vacancies to be filled. But service ratings, however refined psychological experts have tried to make them, present serious practical difficulties. In the first place, there is no agreement as to what criteria can and ought to be measured; secondly, it is hard to secure an accurate judgment on them; and worst of all, the close personal contacts that ordinarily exist between the rating officer and his staff make either for subjective appraisals which discriminate on personal grounds, or for a policy of giving favorable ratings to all as the line of least annoyance for the superior officer.

Stating the matter in different terms, the subtle ingredients inherent in a sound promotion policy have as yet been only partially explored. Objectively, these constitute phenomena which vary with the psychological and social setting in which they operate. The facts are, as Finer has suggested, that "the gratification of ambition, the acquisition of power, and increases of salary, are not the only incentives to good and better work. Often, indeed, these incentives cannot operate."³ We do not yet know enough about the motivation of workers in large-scale, closely regulated enterprises, whether they be private or public, to reach definite conclusions about what are sound promotion principles. Each personnel unit must rather be regarded as an experimental laboratory unto itself. Uniformity is not desirable. The British viewpoint may justifiably differ from the American, the French from the German. It

³ "The Civil Service and the Modern State: Discipline and Rights," *Public Administration*, Oct., 1929.

is with these facts in mind that our analysis of French policy needs to be approached.

A. BACKGROUND OF THE FRENCH APPROACH TO THE PROBLEM

At the outset of this discussion, the fact that French administration is organized on a rigidly hierarchical basis must again be emphasized. It is this that explains, as nothing else does, the almost universal conviction of French personnel authorities that the advancement of employees should conform to a nicely "graduated" pattern, marked by periodic hurdles over which all—or nearly all—must jump in regular sequence. Taine illumines for us the historic origins of this point of view:

"Promotion under the old monarchy," he says, "was slow, in the first place, because the monarchy was old and because in every order which is not new each new generation finds that every office is filled, and next, because, in this old order founded on tradition and heredity, future vacancies were supplied long beforehand. The great social staircase led to several stories, each man could ascend every step of his own flight, but he could not mount above it; the landing reached, he found closed doors and nearly unsurmountable barriers. . . . In these days, not only was the individual himself considered, his merits and his services, but likewise his family and ancestry, his state and condition, the society he entered into, the 'salon' he maintained, his fortune and his followers; these antecedents and surroundings composed the qualities of the personage; without the requisite quality, he could not go beyond the landing place.

"Accordingly, most of the public offices, in the finances, in the administration, in the judiciary, in the parliaments, in the army, at court, were private property as it is now the case with the places of advocates, notaries, and brokers; they had to be bought to enable one to follow these pursuits, and were very dear."⁴

⁴ *The Modern Régime*, Vol. I, p. 250.

Thus, under the *Ancien Régime*, each important category of public offices constituted a kind of hermetically sealed caste to which one was eligible normally by reason of birth, occasionally by royal preferment. By abolishing caste and privilege, the French Revolution of course opened the higher reaches of the official hierarchy to untitled citizens, regardless of social position, only, however, if and as they were able to satisfy the requirements for admission to each step of the ladder. This new "democratic" conception of opening state service to all who possess the requisite professional qualifications was applied as early as 1790 in the army. During the nineteenth century the principle was steadily extended, although certain groups, as, for instance, the two corps of state engineers (roads—bridges, and mines) long resisted the idea.⁵ As late as 1844 the regulations of the central departmental offices were hostile to the notion of filling executive posts by promotion from below rather than by appointment from without. By the dawn of the twentieth century, however, it had become the practice to fill virtually all positions on headquarters' staffs, except divisional directorships, by the former method. To an increasing degree, the tendency was to extend the "closed system" even to manipulative workers, so that a favored fraction of those entering as subaltern employees might aspire to responsible administrative posts; although in actual practice relatively few ever were able to take advantage of this wedge and enter the coveted ranks of upper officialdom.

Inside this scheme of promoting by merit from below, as limited by increasingly rigorous educational pre-requisites for the higher posts, there developed, by the time of the Dreyfus Affair, a bitter battle over the method of choosing individual employees for advancement in pay and promotion in rank. Mainly in consequence of the authoritarian implications of the Napoleonic system, the normal method throughout the

⁵ Not until 1907 were they opened to men in *grades inférieures*. Cf. Georgin, p. 415.

nineteenth century had been unrestricted selection by superior officers. This practice harmonized with the dogma of legal sovereignty which then dominated French political thought. Unrestricted selection, however, may mean *arbitrary* selection. It was easy for ministers to give preferment to their personal friends and political supporters and pass over the claims of merit. In fact, insidious systems of espionage came to be employed by the government against fonctionnaires alleged to be disloyal to the Republic. In an official circular issued in 1902 by M. Combes, the then radical Minister of the Interior and uncompromising foe of the Church in its fight with the State, prefects were requested to "bring to bear political pressure upon all the public services."⁶ Secret police agents sought from concierges information concerning the private life of "suspected" civil servants, as well as military officers. Though it often told merely of attendance at mass on Sunday, such information would be entered in their *dossiers* and made the pretext for retarding their advancement, or, in occasional instances, for their dismissal. Moreover, public employees were obliged to participate actively in electoral campaigns if they wished to insure for themselves equitable treatment from their superiors.

Against this demoralizing régime of "secret notes" and "*l'arbitraire*" the rank and file of the fonctionnaires rebelled by organizing into *syndicats*. Acting concertedly, the larger groups demanded legal guarantees of fairer treatment. By the famous article 65 of the Finance Act of 1905 they won the right to see, without prejudice to their status, all the notes and documents composing their *dossier* before they could be disciplined or displaced on a list of eligibles for promotion. Little by little, during the decade prior to the World War, the organized staffs forced the departments to substitute for "arbitrary" selection a system of promotion boards with direct employee representation thereon. Though differing in detail, departmental procedures have since 1912 tended to assume a

⁶ Quoted in Lefas, p. 77.

type-form which may briefly be characterized as promotion partly by seniority, by means of special bi-partite boards, which draw up at stated intervals promotion lists for their respective organizational units.

The key, then, to French promotion policy relative to the lower and middle ranks of the service is organized staff pressure. In proportion as the tide of administrative syndicalism has ebbed and flowed, so has seniority varied in the degree to which it has conditioned promotion policy. The goal toward which the majority of the lower staff group has worked calls for automatic increases in pay by seniority with a comparatively narrow range in compensation per grade, so that all suspicion of favoritism may be eliminated and everyone may rapidly expect to reach the maximum rate of pay for his grade. While this view is somewhat tempered as regards promotion from one grade to another, most French promotion boards, certainly those in departments employing numerous personnel, have functioned in terms of a "seniority complex." In large part this has been due to the personal participation of staff representatives, who, it appears, usually hold an imperative mandate from their comrades to support candidates with the longest terms of service.⁷

It may be asserted, therefore, that the reaction against "arbitrary" selection has gone so far in many services as to stifle initiative and consolidate routineism. Yet it must not be supposed that political interference has ceased to play any part in administrative appointments. On the contrary, its ramifications, as will be apparent from specific examples cited later in the present chapter, are still far-reaching. French departmental regulations, no matter how comprehensively they may seem to govern internal policy, always mean something quite different when concretely applied. In other words, there is still ample room within the literal confines of the code

⁷ "Although fonctionnaires with reluctance tolerate a choice made by a chief, they will admit it; but that made by a comrade, never! Egalitarian sentiment is too strong in France for that." *Ibid.*, p. 114.

for clever maneuvering by the politically ambitious, for skillful intrigue by comrade for comrade and by *les grand personages* for their *protégés*, for flattery of chiefs by subordinates. What is more, a considerable area at the apex of the hierarchy is left wide open to admittedly political appointments through the door of the Minister's personal "cabinet."⁸ Despite repeated efforts to control the practice of giving youthful protégés of "*Monsieur le Ministre*" direct route to high administrative posts regardless of regulations prescribing a definite hierarchical approach to them, the career men justly complain that the frequency of these short-cut appointments to prefectorial and directional posts is still great enough to amount to a demoralizing abuse of power.⁹

B. THE MECHANISM OF PROMOTION PROCEDURE

From the standpoint of constitutional law, the power of promoting administrative employees is discretionary with appointing authorities in the several departments, except as it may be limited by statute or ordinance, and provided always, under the effective sanction of administrative jurisprudence, that it be exercised for "the good of the service."¹⁰ The effective limitations upon discretion arise nowadays from the armature of departmental orders constructed during the past thirty years. Generally speaking, these limitations are of two kinds: (1) the obligation to select employees for promotion in accordance with the results of special *concours* or aptitude tests, and (2) the requirement to follow the order of names fixed by promotion boards taking into account seniority, or service ratings, or both. These two requirements are, of course,

⁸ The law of 16 July, 1911, was designed to check this practice, but that it is easily circumvented in spirit was disclosed by the dramatic Scelle case, which will be discussed in a later chapter.

⁹ Nevertheless, as was pointed out in Chap. VI, the rôle of partisan politics and personal favoritism in the selection of high administrative officials is steadily diminishing.

¹⁰ The development of judicial control by invoking *détournement de pouvoir* has been of invaluable benefit to departmental staffs.

not mutually exclusive, for the order in which names appear on the promotion list is sometimes determined by a composite weighting of a special test and other elements. But as has already been intimated, the use of promotional examinations has become relatively rare in French administrative circles on the ground that such devices are likely to become too formalistic, if not perfunctory, and therefore to have little meaning in terms of the day-to-day qualities that make or unmake good administrators.¹¹ This is particularly so when it is a matter of picking mature and experienced men who have passed, most of them, the psychologically "examinable" age.¹²

More and more the normal departmental practice is to prepare an annual *tableau d'avancement* for vacancies likely to occur in a given grade.¹³ The preparation of this list is carefully regulated as to date, periodicity, the authority responsible for drawing it up, publication, correction of errors, the number of names that may be presented, and the bases (seniority, selection, etc.) upon which they are chosen. Special rules govern the process in each service. If any one of these rules be violated, the whole operation may be nullified by the Council of State, to which any directly interested party may take an appeal. Short of an appeal to the high court, the appropriate appointing official may on his own initiative annul irregular promotional appointments.¹⁴ While the former sanction affords more efficacious protection to the staff than does the latter, it often takes many months, if not years, to

¹¹ Cf. Salaün, *op. cit.*, pp. 32-33. Special examinations for promotion are still extensively used in the customs and the registrations and stamps divisions, and to a lesser degree in certain branches of the P. T. T.

¹² Jéze, however, believes older men are examinable, provided care is taken to secure a well-balanced examining board. Cf. *Cours de Droit public*, p. 212.

¹³ There is no general legal rule requiring promotion lists. The law of 27 Feb., 1912, dealing with the subject permits "exceptions motivated by the needs of the service upon which the departmental council of directors must be consulted." (Art. 34.)

¹⁴ Jéze, *op. cit.*, pp. 224-262, analyzes in detail the two types of annulment: administrative and judicial.

get appeals through the badly congested docket of the Council of State.¹⁵ If an irregular promotion causes pecuniary injury to any member of the service concerned, he has a claim for money damages. The court has been notably zealous in protecting the material interests of the staff.

After due account is taken of the foregoing elaborate *réglementation*, a residue of discretion is nearly always left with the appointing authority. Unless otherwise specified, he is free to deviate from the order in which names are inscribed on the promotion list; he may make exceptions motivated by "the good of the service"; if the list should be exhausted before all vacancies are filled and there is not time to wait for a new list, he has the power to make emergency appointments of his own choice; and he may decide when to use, or postpone the use of, any credit voted for the advancement of a specified category of fonctionnaires.

Certain general observations on French promotional terminology are in order before we turn to an examination of how the system works empirically. Legally, the term *grade* means the position of a given fonctionnaire in the administrative hierarchy, whereas the term *classe* denotes his pecuniary position in his *grade*. Occasionally, the term *emploi* is used instead of *grade* to refer to certain subordinate positions, as in the case of *commis*. More confusing are the subtleties that appear in the division of grades into classes. In addition to numbering classes seriatim, many personnel units have superimposed above class number one positions designated by the phrases "*hors classe*" or "*classe exceptionnelle*," which, as one French writer ironically suggests, may look well on a *carte de visite*, but play havoc with attempts to standardize salary schedules inter-departmentally.¹⁶ The official justification for these anomalous class groupings is that they constitute nominal reward for faithful employees of long years of service who

¹⁵ It was four years (1923-27) before the Council annulled the illegal appointment of the head librarian of the *Bibliothèque nationale*. Jèze, *ibid.*, p. 232.

¹⁶ Cf. GeorGIN, pp. 398-416.

are not quite good enough to be promoted to the next higher grade or may not be technically eligible to fill it.

By the creation of a large number of classes within a grade, French authorities fancy that they give the fonctionnaire an illusion of rapid advancement. But since he is seldom satisfied, additional classes have been repeatedly created in many of the larger services. Working, as it were, in a kind of vicious circle, the process has been responsible for frequently making the difference between minimum and maximum salary rates within a single grade excessive.¹⁷ Concomitantly, such a practice burdens the administration with the inconvenient clerical task of having constantly to arrange for the payment of niggardly salary increases.¹⁸ On the other hand, if the number of classes were reduced to three, or at most four, and the obligation to serve a minimum interval of time (two to three years) in each class were removed, outstanding men could be given substantial increments in pay during the first years of their service in a given grade. To an outside observer the existing pattern of advancement seems far too rigid. In most departments there is no provision whereby a class can be jumped; advancement must take place step by step—from one class to the one immediately superior—with a prescribed term of service in each class.¹⁹

C. THE EVALUATION OF CRITERIA FOR PROMOTION

Turning now from the relatively simple question of how to allot periodic pay increases not involving changes in duties or responsibilities, we come to the more complex problem of how to discover and measure aptitudes for promotion either

¹⁷ In syndicalist circles this has caused the emergence of a demand for a single salary level per grade and a reduced number of grades.

¹⁸ Georgin, pp. 602-684, contains an excellent analysis of the problems involved in *avancement de classe*.

¹⁹ Commercial attachés constitute an exception. (Decree of 26 Dec., 1919.) Georgin fears the jumping of "classes" would bring about abuses; but not, it seems to the present writer, if the promotion boards were properly regulated.

to a higher grade in the same service or to a distinctly different type of post in another service. Out of the prolonged struggle between high officialdom, advocating unregulated selection, and the *syndicats de fonctionnaires*, vigorously pushing the claims of seniority as the only way to eliminate unfair discrimination and insidious intrigue, the majority of French personnel officers have evolved more or less elaborate devices for rating service performance and individual aptitudes. Mayers has convincingly pointed out that such devices ought not, in theory at least, to operate as a serious limitation upon the discretion of the promoting officer, but rather serve as an intelligent guide to his judgment.²⁰ Their use by French administrators, however, appears to have had comparatively little positive effect either with a view to toning up staff morale and stimulating initiative and creative activity, or from the standpoint of introducing into promotion policy flexibility untainted by favoritism. These negative results may be traced partly to the difficulties inherent in the application of any rating system—difficulties repeatedly revealed by experience in America and elsewhere—and partly, also, to the peculiar psychology of *camaraderie* that pervades French administration.

At the outset, it should be reiterated that French rating schemes have not as yet reached any high degree of refinement. Each department or lesser personnel unit has developed its own system of service records and selected its own criteria of efficiency in a somewhat haphazard, empirical fashion. Naturally enough, in a personnel system as decentralized as the French, there is no standardized rating form for general inter-department use. In many respects, as Willoughby and Mayers have observed, it is probably better that each service should work out experimentally its own plan of rating.²¹ Yet there is a real advantage in having the various departmental

²⁰ Cf. *The Federal Service* (Baltimore, 1922), p. 322.

²¹ Cf. especially W. F. Willoughby, *Principles of Public Administration* (Baltimore, 1927), p. 338.

rating schemes reviewed by some central agency technically competent to test their effectiveness. The absence of any such reviewing body in the French service has been unfortunate. The different operating services have badly needed objective criticism of their respective rating procedures. Except from subordinate staff groups interested mainly in insuring promotion exclusively in terms of length of service, there is little or no stimulus for revising rating procedure.

Careful scrutiny of the specimen rating forms presented in Appendix B discloses certain characteristics common to all of them.²² A report of each employee to be rated is made annually. The employee enters on the first part of the form, sometimes taking an entire page for the purpose, summary facts relating to his birth, military service, health, family status, diplomas and decorations, et cetera. The next section is filled in by his immediate superior, who makes observations pertaining to the several criteria listed thereon. While these items vary slightly in phraseology, the typical list covers (1) education, (2) character, (3) conduct, (4) exactitude, (5) relations with superiors and the public, and (6) special aptitudes. In most instances the rating officer is content to use the traditional French system of adjectival notation, although in certain services he is required to translate each qualitative rating into a numerical score. For example, in the large revenue services of Treasury, the following scale is prescribed:

Bad	(<i>mauvais</i>)	: 1 to 5
Poor	(<i>médiocre</i>)	: 6 to 8
Passable	(<i>passable</i>)	: 9 to 11
Fair	(<i>assez bon</i>)	: 12 to 14
Good	(<i>bon</i>)	: 15 to 17
Very good	(<i>très bon</i>)	: 18 to 19
Excellent	(<i>hors ligne</i>)	: 20

At the conclusion of the list of criteria mentioned in the preceding paragraph there is ordinarily space in which to indicate a general estimate of the ratee, along with a notation

²² Cf. pp. 567-572.

as to whether he is "apt" for promotion, and if so, for what post. Most of the reports also provide a place where the employee himself may indicate his wishes regarding either promotion or assignment to a different post in the same grade.

After the rating officer has signed and dated the report, it travels by hierarchical route to the appropriate promotion board. Additional observations may be made on the way by one or more superiors of the original rating officers. Sometimes, as in the engineering corps of the Ministry of Public Works, these observations constitute a genuine review of the original rating; but ordinarily they become little more than perfunctory "visas."

The shortcomings of French rating schemes are obvious. First of all, the forms are inadequate as to the facts bearing upon the employee's service and personality. Such broad criteria as "official conduct" and "character" hardly lend themselves to careful objective evaluation. There is nothing to assist the rating officer in keeping in mind all the specific facts pertinent to the problem before him. On the contrary, his ratings tend to conform to an over-simplified pattern of "good," "mediocre," "poor," et cetera. The "halo effect" has full sway over his judgment.

The typical rating officer, moreover, regards the whole rating process with indifference. He tends to feel that it is something of little practical value imposed upon him from above. At best, all of this is conducive to a perfunctory attitude; at worst, it allows emotional bias to permeate the entire procedure.

Generally speaking, a "laissez-faire" psychology impels the French official to rate nearly all his subordinates more or less favorably.²³ Seeing that it is but human for everyone—above

²³ Saladin, p. 70, quotes General Percin's letter to *Le Matin*, 1 Dec., 1911, that "officers are all favorably rated, especially since their ratings are communicated to them." A similar admission was made to the present writer by the Director of Secondary Education in reference to the rating of *lycée* teachers. Laurent, *Poste et Postiers*, p. 171, states that the temptation is strong for the *chef de service* to give a favorable rating. A contrary note is occasionally struck in syndicalist literature as

all for a Frenchman imbued with egalitarian traditions—to believe himself proficient, the easiest way for the rating officer to avoid embarrassing explanations is to overlook the shortcomings of individual members of his staff and make banal notations to the effect that they are *bon*, *très bon*, or *hors ligne*. There is always the chance that Monsieur X., if he is noted as lazy, or unintelligent, or insubordinate, will see the report. For it will be remembered that since 1905 all civil servants, before being disciplined, have the statutory right to inspect their *dossiers*. In the P. T. T., departmental regulations have gone a step further and made mandatory the communication of his service record to each employee, while in certain other ministries personnel officers permit any staff member upon request to examine his *dossier*. In such a régime, it requires unusual moral fibre to record objectively adverse ratings.

There is a second difficulty. If a man is rated as "excellent" for the post he is occupying, but not fit for a superior rank, it is hard to make him understand why. In short, the practice of opening up individual *dossiers* for inspection has seriously compromised the freedom which conscientious rating officers ought to have in judging their staffs. The former all too often elect to follow the line of least resistance. To do otherwise would cause, in the expressive French phrase, *toute une affaire*, as a result of which the superior officer has publicly to justify his adverse judgment, possibly at the expense of broken friendships, certainly at the risk of stirring up cliques and inciting dissension inside his organization. Accordingly there inevitably runs through French service ratings a high coefficient of error in the direction of indiscriminating "optimism."²⁴

Thus has the vicious circle revolved. In order, as they thought, to root out political and personal favoritism, the organized staff groups not only demanded and won the right regards those services in which, like the Treasury, *la notation est secrète*. Cf. *La Tribune du Fonctionnaire*, 1 Nov., 1924.

²⁴ One eminent psychologist with whom the writer talked put this coefficient of error at 100 per cent!

to see their *dossiers*, but secured representation on departmental promotion boards. The obnoxious "secret notes" of a generation ago were thereby eliminated. Concomitantly, however, officialdom, fearing the militantly solidified rank and file, acquired an insidious timidity when judging individuals in terms of performance or capacity, with the deplorable result that in so far as subaltern and intermediate grades were concerned, advancement became quasi-automatic. One difficulty, that is to say, was replaced by another. Distinguished ability could go without sufficiently immediate reward and there was no effective sanction for sustained mediocrity.

It is possible that I may be overstating the case against this phase of French promotion practice. Nor am I certain that, given the setting and the traditions governing it, there is any happy way out of the dilemma. Yet, if the advice of competent experts were enlisted by personnel officers in preparing and testing experimentally the rating plans, I am inclined to believe that their reliability could be greatly improved and that they would gradually tend to inspire confidence on the part of the staffs,—to the point where the latter might be willing to surrender the right to see their *dossiers* except in flagrant disciplinary cases. In this situation rating officers would be more likely to render independent judgments, while promotion boards, in turn, would probably give increasing weight to service ratings in the drawing up of annual promotion lists, without, of course, ever making them a legally controlling factor. In subordinate clerical and manipulative services, it might be found desirable to use efficiency ratings merely to determine eligibility for competitive promotional examinations.²⁵ If this were done, the task of holding such examinations would be considerably simplified by the elimination in advance of all employees whose prior performance stamped them as palpably unfit.

²⁵ The postal groups have combated this proposal (Laurent, *op. cit.*, p. 269) and stood for qualifying examinations without restriction.

D. CONTINUATION TRAINING FOR ADMINISTRATIVE STAFFS

The importance of providing opportunities for the further training of personnel after entry into the public service has until quite recently been generally underestimated by responsible administrators everywhere. Such training serves several purposes: (1) it opens new paths to promotion for subaltern employees and helps to breed executive officers from the rank and file, (2) it tends to relieve monotony and thereby to increase the interest of the staff in its work, and (3) if imaginatively and widely developed, it may become an effective means of undermining routineerism and killing some, at least, of the vices of bureaucracy. In this connection, Sir William Beveridge has admirably written: "If we are to have an increased number and variety of bureaucrats, it is essential to keep their souls alive; to get them to see their work from a wider standpoint and in due proportion to the rest of the world."²⁶

In the French public service so much emphasis is placed upon thoroughness of training *prior* to formal admission that continuing staff instruction has received comparatively little attention. The possibilities of drawing upon university and technical school facilities, or organizing short courses with a view to permitting lower grade employees to elevate their professional status and to invigorating staff morale, have scarcely been touched.²⁷ Nor did I discover in the thinking of public officials any genuine interest in the problem. With a shrug of the shoulders most of them would dismiss my questions with the remark that any enterprising man or woman could get ahead and that after all a certain "aristocracy" of leadership was as inevitable as it was necessary!—the latter observation, of course, being rather beside the point.

²⁶ *The Public Service in War and Peace* (London, 1920), p. 51.

²⁷ As, for instance, at the London School of Economics and Political Science and the Berlin *Hochschule für Politik*.

Nevertheless, a limited number of experiments in continuation training have been undertaken. These are to be found principally in two departments, the P. T. T. and the Treasury, where there are large staffs engaged in routine and semi-routine work. Courses of instruction varying in duration from three to six months are obligatory for nearly all clerical, manipulative, and mechanical employees in the P. T. T. immediately following their admission to the service. These courses give what is essentially probationary training. They are conducted in Paris as well as selected provincial centers, intermediate staff officers being detailed from time to time to act as instructors. Those who pass the final examination qualify for permanent appointment; those who fail are released. But few, it appears, ever fail.

There are also special courses for employees who wish to learn telegraphy, radiography, the installation of automatic telephones, and the operation of telephone exchanges. Most of this instruction includes theoretical as well as practical exercises, with a substantial amount of work in the laboratories and shops of the department. The number of students admitted to these courses and the frequency with which they are conducted vary with the funds available.²⁸ At best, they are somewhat irregular and the quality of instruction seems often to be mediocre. Their chief value lies in opening to previously untrained employees the chance to compete for more remunerative positions along with those coming directly from the outside. In general, the attitude of postal employees toward all these courses is decidedly favorable—partly, no doubt, because they are given during regular hours, partly because those taking them are relieved of their ordinary duties.

Differing in organization from the foregoing short courses, the *Ecole supérieure des Postes et Télégraphes* is a permanently functioning staff school, admission to which is by

²⁸ The number attending the larger P. T. T. courses in 1927 was as follows: supernumeraries, 1,100; women employees, 800; technical employees, 753. *Rapport* (1927), p. 73

annual (formerly biennial) competitive examination. All employees with prescribed minimum requirements in terms of salary, years of service, and service ratings, are eligible to enter this competition. Only a small proportion of the candidates, usually less than twenty a year, win admission to the school. The school is organized in two sections: the first being designed for the training of upper-grade administrative personnel (*rédacteurs*, bureau chiefs, inspectors, postmasters in the larger towns, and divisional directors); the second, to offer specialized training for certain types of engineering work in the department.²⁹ The length of the course of instruction is two years, during which period all students in the school conserve their respective ranks and receive full pay. At the termination of the course a comprehensive examination is held. Those who survive it successfully are given diplomas (*brevets*) entitling them to places on promotion lists for superior grades. The greater part of the directing personnel of the P. T. T. is in practice chosen from "graduates" of the *Ecole supérieure*.

By reason of the opportunities offered by this school, ambitious young men of ability are encouraged and permitted to prepare themselves for higher posts than they otherwise, because of inadequate training prior to entry into the service, could qualify for. From this point of view the institution serves an admirable purpose. Certain criticisms of the quality of instruction, however, were encountered. For example, I was informed by an obviously intelligent postal employee of many years' service who had gone through the school, that the courses were inclined to be indifferently conducted because the instructors, detached at irregular intervals from their regular administrative duties, had insufficient time for preparation and were obliged to hurry through the procedure of instruction. This view was confirmed by a divisional director,

²⁹ The curriculum includes elementary chemistry, physics, geography, mathematics, civil and administrative law, and postal organization. The number competing for admission varied from 88 to 225 annually through 1923-1927.

formerly on the school staff, who complained that he knew only a week in advance of the opening of his course that he was to give it. Doubtless the courses conducted by university professors are of better quality.³⁰

In addition to giving systematic instruction bearing upon the legal, administrative, financial, and technical aspects of the P. T. T., the *Ecole supérieure* includes a research bureau and laboratory charged with maintaining an up-to-date documentation on postal, telegraphic, and telephonic progress the world over, and with carrying on experimental researches of a technical character. Here, again, the far-reaching potentialities of what seems in principle a most admirable arrangement have only partially been realized on account of inferior equipment and inadequate funds.³¹

The only other program of staff training that may be regarded as reasonably systematic is in the Ministry of Finance. The Division of Direct Taxes conducts at Lyons a course of training for supernumeraries. This Division uses a closed system of promotion, which means that all employees in its field establishment must enter as supernumeraries. To be eligible for promotion to the next grade of "assistant controller," the employees have to pass this course, involving (1) a theoretical examination after six months and (2) certain practical exercises in the field during the year following. After three years, supernumeraries surviving these tests are considered qualified for the next grade.

More interesting is the School for Customs Inspectors (*Ecole des Vérificateurs*) organized shortly after the World War. In the administration of a customs tariff as complex as the French, these men, around 250 in number, must be able to recognize without hesitation the composition and quality of an infinite variety of merchandise. Once the goods leave the inspector's hands, there is no further control so far as classi-

³⁰ The staff consists partly of officials, partly of teachers drawn from the outside. Some of the lectures are published in textbook form.

³¹ Somewhat analogous is the *Ecole d'Application* for young engineering personnel in the State manufacturing establishments.

fication for the payment of duty is concerned. The corps of inspectors having been decimated by the ravages of the war, it was decided in 1920 to establish a special course of instruction by which to build a new and better cadre. Consequently, as soon as candidates pass the written part of the entrance examination, they are sent to school in Paris for four months. Each working day during this period they spend one hour in class, the size of which is usually limited to thirty, make a visit to the tariff museum (*musée du tarif*) maintained by the Division, where they study assorted samples of goods, and then serve for several hours under the supervision of superior officers in one of the Paris railway terminals in order to secure practical experience. A rigorous oral examination must be passed at the expiration of the course before any candidate can become a full-fledged inspector. According to the Director of Customs, this course of training has had the effect not only of considerably increasing the fiscal return from the customs, but also of vastly improving the *esprit de corps* of the inspectors in active service.³² It should be noted again, however, that this school, as well as the course conducted by the Division of Direct Taxes, provides what is essentially probationary rather than continuation training.

Here and there scattered through the postal and fiscal services (as well as certain other departments) are elementary courses designed to prepare subaltern employees for promotional examinations. These courses are ordinarily held outside working hours. Sometimes they are conducted by bureau chiefs early in the morning, sometimes by lesser officials in the evening. Occasionally, staff associations have themselves taken the initiative in setting up night classes, the participants paying nominal fees to their *syndicats*, the latter reimbursing the instructors. An increasing number of organized employee groups are developing an interest in this kind of activity. In 1925, for instance, the *Syndicat National des Agents des P. T. T.* organized a correspondence school for

³² Interview of 22 July, 1927.

those of its members who desired to compete for higher positions. This school publishes a monthly bulletin, *L'Ecole Syndicale*, devoted to explaining the answers to examination questions and indicating documentary materials for study by candidates.

Without in any sense disparaging the usefulness of existing types of staff training, it will be recognized that vastly more might be done to enable civil servants to secure periodic relief from monotonous routine by pursuing advanced courses of study either within the departments, on the plan of the graduate schools of the United States Department of Agriculture and Bureau of Standards, or outside, in the classrooms and laboratories of universities and other institutions of higher learning, while on full pay. Arrangements in the form of detached services or leaves of absence for limited periods would enable promising young administrators to get a change of air and bring them into contact with freshening points of view from time to time. Exceptional men might even be encouraged to go abroad on a roving commission without sacrificing their professional status and undergoing the hazards of re-instatement or finding positions elsewhere.³³ Or office staffs might periodically be sent *en masse* to especially organized courses of lectures on the social, political, and economic problems of foreign countries, in order to break through the conservative provincialism of a governmental bureaucracy as grounded in tradition as the French. In the long run, whatever extra fiscal outlay such experiments entailed would be more than repaid in terms of invigorated morale and increased efficiency; possibly, too, of creative activity on the part of the staffs involved. The dangers of inbreeding require constant counter-action.

³³ As we have already pointed out, certain classes of teachers are now permitted to do this by the Ministry of Public Instruction.

E. ASSIGNMENT AND TRANSFER

The extent to which an adequate system of training before and after recruitment can widen opportunities for promotion depends in very large measure upon "the area from within which choice for the higher positions is to be made."³⁴ If the boundaries of this area are rigidly limited to a single bureau or division, the chances for advancement in an organization like the public service, which, except in war time, tends to be relatively static as to size, will vary according as the hierarchical pyramid of the unit concerned is steep or flat. On the other hand, if transfers may freely take place from one unit to another, and especially if large field services are organized as *national* establishments, the area of promotion is immensely increased. Generally speaking, there is a sharp contrast between private industry and government in this respect, transfers of personnel being permitted with ease and frequency in the former, but only with difficulty in the latter.

Although it is in principle desirable that "the maximum of fluidity in assigning and transferring personnel should exist," "few governments have succeeded in developing machinery and procedure for handling this matter . . . in a satisfactory manner."³⁵ Of the many obstacles to be overcome not least is the traditional "separateness" of governmental administrative agencies resulting from the fact that they usually owe their existence to specific legislative enactments. What is more, unless a comprehensive classification of positions across departmental lines with an equivalence of pay for equivalent work has been developed, inter-unit transfers of personnel can be made only on a "hit or miss" basis. Thirdly, the intrusion of politics in civil service appointments has all too often made department heads suspicious of receiving into their own organizations men transferred from others for fear

³⁴ White, *op. cit.*, p. 305.

³⁵ Willoughby, *op. cit.*, p. 331.

that the real reason for the change was a desire of the latter to rid themselves of incompetent or unsuitable employees.

So far as inter-departmental transfers are concerned, all of the above-mentioned factors have widely operated in the French administrative system. Our discussion of the background of recruitment, the absence of a general personnel agency, and the difficulties of securing classification of duties and standardization of salaries, need only be recalled to understand why the movement of personnel from one organizational unit to another has been, and in large measure still is, exceedingly limited. "In France," M. Lefas could write as late as the eve of the World War, "the administrative departments have down to the present lived separated one from another by impenetrable walls, without common rules of recruitment or of promotion, without regard to any correlation between their grades and their rates of pay."³⁶ In such a régime, the occasional transfer of a fonctionnaire from one unit to another immediately became an object of suspicion because the action lent itself so easily to abuse. An official with political pull could "jump" two or three ranks without having served the requisite term of years. Before the war it was notorious that ministers "took care" of their young protégés by appointing them members of their "personal" cabinets and then, just before the ministry's fall, transferring them directly to coveted posts in the permanent hierarchy. Thus a young man with but mediocre ability and influential connections might want to become a *rédacteur*, for which grade he would not qualify. He could, however, maneuver an appointment as attaché to a minister's private entourage and later be made sub-prefect. Another young man with real capacity but no "pull" might desire to become a sub-prefect. Unable to land such an appointment, he could successfully compete on a merit basis for a post as *rédacteur*. Later, perhaps, each aspirant might by a political "permutation" reach his goal!

To put a stop to operations of this sort, susceptible as they

³⁶ P. 118.

were to grave abuse, the Council of State decided in 1910 that inter-unit transfers would henceforth be illegal unless they involved an equivalence in rank and salary.³⁷ While clever ministers continued to find occasional ways of circumventing this decision in the interest of their friends, its general effect was to "compartmentalize" the assignment and promotion of personnel still more tightly. This narrow compartmentalization assumed its worst form in the central bureaus of the different ministries. In spite of the general sameness of clerical, stenographic, filing, and accounting operations whatever the office in which they be performed, employees in such categories had to wait their turn for promotion in their own bureaus. This often meant no chance of advancement at all for men and women of more than average ability. It also made for routineerism and intellectual laziness. Instead of shifting *rédacteurs* from bureau to bureau every few years, so that they might learn the different branches of the departmental organization, it was the normal practice to let them stagnate indefinitely behind the same desks. Each employee became glued to his own immediate task without developing any real sense of what his colleagues in neighboring bureaus might be doing. So slight was the inter-changeability of staff personnel in the central administrative offices that when sickness or other cause created a sudden vacancy in a key position it was frequently difficult to find a subordinate employee competent to act as deputy for the absent official.³⁸ How easy, under such conditions, for a bureau to wind itself up in its own red tape! Each office could refine its own methods and formulas irrespective of how they might affect other units or the public.

Since the war, the movement for salary standardization has somewhat mitigated the evils of *intra*-departmental separateness. The change, however, has been in the direction not so

³⁷ *Arrêt* of 11 Nov., 1910. Cf. also Georgin's discussion, pp. 384-392.

³⁸ Justin, *op. cit.*, p. 58.

much of greater transferability of personnel from one central bureau to another as of a freer movement from the central services to field establishments, and vice versa. The regulations of several departments, notably the Treasury and the P. T. T., now permit the transfer of middle-grade office employees from headquarters' staffs to the exterior, or field, services, although in actual fact comparatively few such transfers are made.³⁹ More and more, nevertheless, is it becoming the practice to "detach" technical officers from one department to serve in another—engineers, for example, from the Ministry of Public Works to the Ministry of Agriculture or Colonies, educational administrators from the Ministry of Public Instruction to the Ministries of Commerce or Labor, financial officers from the Ministry of Finance to various services in other departments. While this procedure is of course admirable from the point of view of co-ordinating the development and application of the larger phases of administrative policy, it does not materially widen the area of promotion for those further down the ladder. Neither is there as yet sufficient recognition of the advantages of inter-departmental transfers, nor adequate machinery for facilitating them in such a way as to serve the interests both of the administration and of its staffs.⁴⁰ Doubtless this will come in time—if and when a general classification plan is put into effect.

However one may criticize the slowness of French administrators in coming to grips with the problem of inter-departmental transfer, there can be but praise for the way in which large field establishments are organized for purposes of assignment and promotion. Contrary to the situation existing in most of the services of the United States government, these establishments are in France completely nationalized. Only if one remembers how much more widely social and economic functions are controlled by the central government in France

³⁹ On the open admission of the Assistant Personnel Officer of the central offices of the Minister of Finance.

⁴⁰ The heads of the departments concerned must, of course, give their consent to such transfers.

than in America can be fully realize what this signifies. In short, it means that over 400,000 civil servants are members of "national" units in which the *territorial* lines of promotion are as broad as the country itself. All of the following field services are so constituted:

P. T. T.	{ Postal Telegraph Telephone	Public Works	{ Engineering Corps for (1) Roads and bridges (2) Mines
Public Instruction	{ Elementary schools Secondary schools Universities Vocational schools	Interior	{ Prefectorial Staffs
Finance	{ Direct taxes and registrations Indirect taxes Customs	Justice	{ Sitting judiciary Prosecuting staffs

To this list must be added two other important establishments which ramify beyond the metropolitan area of France:

Foreign Affairs	{ Foreign service: (1) Diplomatic (2) Consular	Colonial Service
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In all of these services the assignment and promotion of personnel is under the ultimate control of a central personnel bureau located in Paris. The numerically large establishments, like the postal, revenue, and educational services, are organized into a varying number of regional units, each having its own promotion list. The process of eliminating candidates and determining the order of the surviving names on the final national list is handled by a central promotion board, or administrative council, sitting in Paris. Once this central list is compiled, it is published in a departmental bulletin and distributed to all field units (stations, offices, or schools).

Thus it is possible for employees to be transferred from one part of France to another in two ways: (1) by promotion

either to a more important unit or to a higher rank in a station of lower or equivalent field rating, and (2) by a change of residence not necessarily involving a change of pay or grade. A man may start his career as a national tax assessor or collector in a small town in the Midi, then be assigned to, say, Rouen, later to Bordeaux, and possibly terminate his active service in Lyons or Paris. Similarly, postoffices are staffed, in part at least, from a national personnel "pool." The postmaster in Lille may hail from Toulouse. So fluid is the organization of the State Engineering Corps that its members are likely to have had a great many different kinds of experience in various parts of France before their careers terminate. So might the illustrations here be multiplied, but further discussion of specific applications of this principle of "nationalization" will be reserved for our case studies of departmental personnel policies in Chapters XI and XII.

Suffice it to say here that the consent of the employee is always sought and obtained before any transfer involving a change of residence is ordered, even if it means an advancement for him—unless the new post is a less favorable one. Usually, moreover, special forms are provided whereby employees may request geographical reassignment in order of their preference as to location. Frequently the indication of his wishes regarding transfer constitutes a part of his annual service report. Moving charges are invariably met by the government. Yet employee requests for transfer are in actual fact less numerous than one might suppose. Local attachments and family ties are so strong in France that Jacques Bonhomme often prefers to remain in his native town at a small salary rather than leave his kin for a more attractive post fifty or a hundred miles distant. In order to induce men to accept assignments in the industrial North and East of France, far from the home provinces of the majority of fonctionnaires, one of the revenue divisions initiated in 1926 a system of bonuses apportioned in amount to (1) the difficulty and importance of the post and (2) the efficiency rating of

the employee.⁴¹ Since as many as nine out of ten got some sort of bonus, and the range in amount was small, the experiment did not work out as successfully as it was hoped.

No one will be surprised to learn that political considerations not infrequently influence the territorial assignment of field staffs. If a postal clerk keenly wants to be transferred from Marseilles to Lyons and fails to receive satisfaction from his departmental superiors, he turns to his deputy, who will usually make the necessary *démarches* with the authorities in Paris. If the transfer takes place reasonably soon thereafter, the happy man assumes it was because of *Monsieur le Député's* intervention in his behalf. Should there be no immediate vacancy at Lyons, the deputy can at least claim that he did his best for his constituent.

Under two conditions transfers may be made without the employees' consent. One is when "the public interest" demands it and the other is for disciplinary reasons, the two being by no means mutually exclusive. In fact, the line of demarcation between them is at best hazy. Formerly, involuntary transfers were more frequent than they now are. In the public school system, especially, teachers used to be harassed by local organizations (usually clerical or nationalist in make-up) who objected to their allegedly atheistic or pacifist views. Great pressure would be brought to bear to have such teachers removed, and it often bore fruit. Without warning an order assigning Professor X to a new post in another town would arrive. Sometimes a political battle royal ensued which would align the local community into two hostile camps. Unless the pedagogue had strong political backing, he was likely to lose his fight. Hundreds of such transfers took place in the years following the separation of Church and State. In some cases, the teacher would have delivered a partisan harangue no doubt justifying his removal; in others, it might be an arbitrary act for which he was in no wise to blame.

⁴¹ In administering this plan, the 1,800 collection districts are divided into five classes as regards the cost of living, etc.

At all events, as a result of a long and arduous campaign by the national associations of school teachers, transfers against the will of the parties concerned are now being more and more regulated by procedures designed to safeguard their interests. In case of misconduct, the employee whose transfer is threatened is entitled to a hearing before a special commission or appropriate disciplinary council and to examine his complete *dossier*.⁴² Transfers in the "public interest" must be directly motivated by the discontinuance of a post altogether or a reduction in staff at a given place. Whenever this type of transfer becomes necessary, the employee may designate his preferences as to new assignment. Abuses are still possible, but they are likely to become increasingly rare in the future.

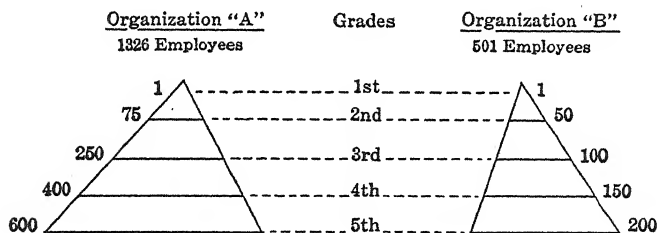
F. TENURE AND TURNOVER

Broadly considered, the mobility of personnel in an administrative enterprise further depends upon the ratio of the total number of terminations of employment, within a given period, to the average number of employees on the payroll.⁴³ Unless the organization in question be passing through a period of decided expansion or contraction, this ratio should not greatly vary from year to year, provided the conditions of employment are normal. Stated differently, the two variables in the proportion will tend to be relatively constant. The number of terminations of employment will be controlled by the number of employees who reach the retirement age each year, plus the number who may resign, die and be dismissed within that period, while the average annual size of the staff, assuming that all vacancies can be filled without delay, will not appreciably fluctuate during a span of several years.

⁴² In most instances these procedures are prescribed by departmental orders, but the secondary school teachers succeeded in 1927 in getting a statutory sanction so far as their own division is concerned. (Law of 22 Feb., 1927.)

⁴³ Cf. Oliver Sheldon, *The Philosophy of Management* (London, 1923), p. 165.

Advancing this analysis a step further, it is obvious that the rate or expectancy of promotion for the ensemble of employees is ultimately determined by the rate at which personnel moves into and out of the organization year by year. For men can be moved upward in rank only as rapidly as openings materialize at superior levels. The expectation of advancement for a given class of employees will in turn depend upon the ratio their number bears to the number of positions which they are eligible to occupy at the next higher level, provided, of course, that the latter are exclusively filled from the lower ranks and not partly (or wholly) from the outside. This relationship may perhaps be illustrated by the following skeleton diagram of two parallel organizations:



That the expectancy of promotion is greater in B than in A is shown by the ratio which the number of positions in each grade bears to the total number of employees:

GRADES	ORGANIZATION "A"		ORGANIZATION "B"	
	Ratio	%	Ratio	%
1st	1 to 1326 =	0.07	1 to 501 =	0.02
2nd	75 to 1326 =	5.6	50 to 501 =	9.99
3rd	250 to 1326 =	18.1	100 to 501 =	19.98
4th	400 to 1326 =	30.2	150 to 501 =	29.94
5th	600 to 1326 =	45.3	200 to 501 =	39.92

Of those who enter at the lowest (5th) grade in the two organizations, the following number may expect to reach the upper grades:

ORGANIZATION "A"	GRADES	ORGANIZATION "B"
1 out of 600 →	1st	← 1 out of 200
1 out of 8 →	2nd	← 1 out of 4
5 out of 12 →	3rd	← 1 out of 2
2 out of 3 →	4th	← 3 out of 4

If one may generalize from the implications of the foregoing comparisons in relation to the analyses of personnel policy made earlier in this book, it follows that the attractiveness of any type of public employment to capable and ambitious men will be the resultant of at least five basic factors:

1. Remuneration: salary scales and range, disability and retirement pensions
2. Working conditions: hours, leaves of absence, equipment, sanitation
3. Promotion system: closed vs. open, wide vs. narrow area, seniority vs. selection
4. Hierarchical structure: number of grades, percentage of positions at each level
5. Personnel turnover: staff expansion or contraction, annual ratio of deaths, dismissals, voluntary withdrawals and retirements

Out of a proper adjustment of these various factors should emerge high morale, along with efficient, progressive administration. Especially, as Laski has observed, is it "urgent in any public service to develop the notion of giving men clearly responsible work, at least, by the age of thirty-five. For, otherwise, they grow rapidly into the habit of looking to a superior for orders. They are lost and helpless when time gives them the duty of making important decisions."⁴⁴ Yet granted that directing officialdom should be liberally infused with youthful vitality, there is less agreement among students of personnel administration as to what constitutes a wholesome rate of turnover for the ensemble of a large public service. A turnover not exceeding ten or twelve per cent

⁴⁴ *A Grammar of Politics* (New Haven, 1925), p. 406.

would by most be regarded as desirable for the purpose of bringing in fresh blood and preventing the hardening of caste; if, on the other hand, the annual turnover reaches twenty or thirty per cent, one may fairly assume that employment conditions are bad. The ideal situation would be stability of employment on a purely merit basis, buttressed with effective sanctions for irretrievable staleness or hopeless mediocrity in the key positions.

If adequate data covering long periods were available, it would be desirable to appraise the extent to which tenure and turnover of personnel, combined with the other pertinent factors we have already examined, produce in the French public service a wholesome rate of promotion. In any completely quantitative sense such an appraisal is here impossible, partly because it would involve intensive analyses of individual departments and bureaus, partly, also, because the factual data accessible to an outside investigator are at best fragmentary and none too reliable.⁴⁵ Nevertheless, by discriminating qualitative observations, reinforced wherever possible by piece-meal quantitative measurements, significant light can be thrown upon this phase of French personnel policy.

Let us notice first of all the factors governing tenure of service. In ascending order of importance, these include (1) cessation of employment because of death and permanent disability, (2) dismissals, (3) voluntary withdrawals, and (4) retirements. The first is so negligible that it may for all practical purposes be disregarded. Almost the same comment may be made regarding the second. The legal guarantees against "unjust" dismissals have become so strong that dismissal is virtually unknown except as a grave disciplinary measure, involving a hearing before and decision by a disciplinary council.⁴⁶ This procedure is prescribed by statute in the case of

⁴⁵ The fact is that few French personnel offices compile such data; some apparently do not possess it in any form.

⁴⁶ The process is explained in detail in Chap. X. Illegal dismissal is annulable by the Council of State. Such annulment entitles the dismissed employee to re-instatement, or, if that is not possible under

judges, teachers, and professors, by ordinance for administrative staffs. The only categories of civil servants not covered by these guarantees are ambassadors, prefects, prosecuting officers, colonial governors, and certain divisional directors. For reasons of "high policy," these officials may legally be removed at any time; but this power is in fact almost never exercised. Occasionally, when a change of governments takes place after a swing of the electoral pendulum, a prefect who has been too vociferous in his opposition to the winning coalition may be given a post in another department or even be indefinitely suspended. Now and then a prosecuting attorney may for political reasons be "asked to resign." To this request he invariably accedes for reasons which require no elucidation.⁴⁷ Again, the head of a division who has served a long time as a responsible administrative officer is on rare occasions induced to step out before he has quite reached the legal retirement age.⁴⁸

In addition to removals for penal reasons, there is one other situation in which dismissals are legally valid, namely, the abolition of the employment itself. In the event that the employees so affected are completely separated from the service, they become entitled, under certain well defined condi-

the circumstances, to a special indemnity. Cf. Hauriou, *op. cit.*, pp. 608-610.

⁴⁷ In the future, according to information obtained in 1927 from the Director of Personnel of the Ministry of Justice, the dismissal of prosecutors is to be conditioned upon prior hearing before a special board, including the Director of Personnel.

⁴⁸ In the Ministry of Justice there were two instances of this over a period of twenty years. (Interview with Director of Personnel, 28 June, 1927.) An interesting case in which the Council of State annulled the peremptory retirement of a Treasury official occurred in 1928. Four years earlier the *Directeur des Contributions indirectes de la Seine* had been brusquely retired without a hearing before a disciplinary tribunal or communication of the charges against him, as required by Art. 65 of the Law of 22 April, 1905. Upon appeal claiming *excès de pouvoir*, the decision was nullified by the high court on 19 Jan., 1928. It was revealed in the course of the investigation of the case that the only charge against the plaintiff was that he had presided, as the eldest official present, over a group of employees meeting in orderly fashion to discuss their professional interests and to convey to the Minister of Finance their dissatisfaction with recent salary adjustments.

tions, to a special pension.⁴⁹ What is usually done, however, is to find places for them in other units. Thus at the time of the Poincaré retrenchment reforms of 1926, most of the surplus personnel—prefectorial counsellors and sub-prefects—were taken care of by re-assignment to ministerial staffs in Paris, recruitment being temporarily suspended until the displaced fonctionnaires were absorbed. A few were allowed to retire with proportional pension rights.

No more persistent complaint is made by French students of public affairs than that there is nowadays no effective way of relieving the State of the incompetent and indolent men and women on its payroll. Hundreds of subaltern employees—doormen, stenographers, concierges, and clerks—who admittedly have lost their usefulness to the administration have what are virtually sinecures for life as a result of the fear that those higher up have of trying to get rid of them. An able personnel director in a department noted for its technical and scientific activities frankly told the writer that if he only had a free hand, he would at once discharge from 50 to 200 worthless agents and save the Treasury a great deal of money, even though each man had to be given a substantial portion of the aggregate salary due him up to the age of retirement. But to have to explain and justify each case to a *conseil de discipline* on which there would be staff representatives was too much for this officer! Moreover, the dismissal of a "comrade" for whatever reason is likely to be taken up by his *syndicat* and made an issue, the reverberations of which may reach the halls of Parliament and prove extremely annoying to the Government in power.

As to removals, then, one may conclude not only that they are so few as to have no appreciable effect upon personnel turnover, but that the political as well as legal obstacles to discharging incompetent and surplus employees make it peculiarly difficult to carry out plans for staff retrenchment.

⁴⁹ As prescribed by Art. 11 of the Law of 9 June, 1853, and Arts. 21-23 of the decree of 2 Sept., 1924.

Until the economic upset brought on by the recent war, voluntary withdrawals from the French public service were as negligible in number as dismissals. Since 1920, however, the increasing tendency for middle- and upper-grade officials to leave government employment prematurely has created a serious problem in certain important services. The reasons for this rather large leakage into industry and the private professions were analysed in the preceding chapter. A comparison with the pre-war situation in this respect is strikingly revealed by a few statistical notations: From the P. T. T., for example, there were 150 resignations in 1913 as against 500 in 1926, an increase of over 200 per cent in proportion to the size of its staff in these two years.⁵⁰ Withdrawals from the Division of Registrations and Stamps in the Treasury showed the following trend during the same period: ⁵¹

	1913	1919	1926
Size of staff	4613	4971	2648
Resignations	1	98	27

The number of voluntary separations from this service over the six-year period 1920-1926 averaged 87 annually, whereas before the war the yearly exodus rarely exceeded 60 men.⁵² In the Division of Direct Taxes four times as many employees were leaving the government service per year from 1920 to 1926 as before the war.⁵³ The exodus of technical personnel to private industrial and engineering enterprises had become so great by 1927 as to elicit from one commentator the remark that young engineers "flashed through their stations like meteors."⁵⁴ Out of 90 inspectors-general of finance, 74 resigned key posts with the Treasury to accept commanding

⁵⁰ During this period the size of the staff varied but little. (Reply to the writer's questionnaire 28 May, 1927.)

⁵¹ Data submitted to the writer by division headquarters.

⁵² *L'Europe nouvelle*, 26 March, 1927.

⁵³ *Ibid.* The totals were eighty and twenty respectively.

⁵⁴ *Ibid.*

positions with banks, department stores, and industrial concerns.⁵⁵ From the Council of State the departures increased from four during 1918-1920, to seventeen during 1921-1923. Seventy per cent of those who passed the 1926 *concours d'agrégation* declined teaching posts, and numerous *lycée* professors ripened by many years of experience resigned during 1926 and 1927.⁵⁶

In many posts where continuity of effort and direction is indispensable, it became hard to retain good officials more than two or three years at a stretch. From 1919 to 1927 the headship of the Division of the General Movement of Trends in the Treasury changed hands four times, and that of the Division of Hydro-electric Power in the Ministry of Public Works five times.⁵⁷ Where, dolefully complained the leading metropolitan journals of the day, are those distinguished servants of the public weal whose careers honored French administration a generation ago?

This outward flow of State personnel constituted, of course, a somewhat abnormal phenomenon. After fiscal stabilization took place in 1928 and a period of national "prosperity" was ushered in, the press reported fewer "desertions" of supervisory government posts, although the number was still (to November, 1929) considerably higher than prior to the war, and, for reasons suggested earlier, it is likely to continue so indefinitely.⁵⁸ By and large, the less technical or economic in its character administrative work is, the less its staffs have been drained by outside employment.⁵⁹ With

⁵⁵ *Ibid.* In addition to examples cited in the previous chapter, the cases of M. Selier, for twenty years *Directeur du Mouvement des Fonds* in the Treasury, who resigned in 1927 to accept a position with the *Compagnie des Messageries Maritimes* at ten times his previous salary, and of M. Fournier, *Directeur du Budget*, who resigned in 1929 to become second deputy governor of the *Banque de France*, illustrate what a drain private industry and banking have in recent years made upon key personnel in the Treasury of the State.

⁵⁶ Morlio, *op. cit.*

⁵⁷ *Ibid.*

⁵⁸ Cf. Chap. VIII.

⁵⁹ The National Printing Office must be excepted from this generalization: since the war there has been less than one withdrawal a year from its supervisory staff of 150.

hardly one resignation a year on an average, the Foreign Service, for instance, has remained peculiarly immune. Likewise, the Ministry of the Interior has been but slightly affected.

What has just been quoted is enough to show that voluntary withdrawals have now become a not insignificant factor in French personnel turnover. In so far as this changed situation operates to expedite the advancement of younger men without robbing the State of too many able officials at the peak of their usefulness, it is a desirable development. In order to secure an accurate measure of how far it has gone, a careful analysis, by the case method, of the leakage from government service into industry, including detailed follow-ups of the subsequent careers of ex-officials, is urgently needed. Instead of manifesting constructive concern over the State's loss of able servants, too many French cabinet ministers seem to regard the matter with complacent indifference.⁶⁰ That such is their attitude may reasonably be inferred by the facility with which State officials are allowed to go on "detached service" for indefinite periods to fill positions with private businesses—a status in which the detached fonctionnaire conserves the privileges and qualities of his official rank, but which in reality is frequently the prelude to his definitive departure.⁶¹

Due allowance being made for the aggregate effect of death, disability, dismissal, and resignation upon the tenure of employment, the retirement rate remains the most important stable factor in total personnel turnover. In fact, as an index to the latter, the number of retirements per year in certain units counts for more than all the others combined. In order to certify retiring employees for pensions, individual records should be kept with care and completeness, but some departments apparently neither compile nor publish them.

⁶⁰ The writer discovered that in one highly important service no central statistics on resignations (or dismissals) were kept at all.

⁶¹ This practice was characterized as a "scandal" by one official, M. Paul Allard, in *La Tribune du Fonctionnaire*, 30 March, 1929.

By way of illustrating retirement trends, a few representative annual averages, obtained partly from published documentary sources and partly by personal inquiry, are here presented. Since the war (down to 1928) the average number of permanent full-time employees retired in the P. T. T. has approximated 3,000 out of a total of 110,000, or slightly under 3 per cent. The proportion of elementary school teachers retired per year was roughly the same: 4,000 out of 117,000, or $3\frac{1}{2}$ per cent. Turning from these two largest employee groups to smaller units, we find considerably greater variation. The Ministry of Public Works, with a total personnel of 18,000, retired 219 men in 1919 and 362 in 1926, or only 2 per cent; the Ministry of Commerce, with a small centralized staff of 200, 27 in 1920 and 19 in 1926, or around 10 per cent; and the Division of Indirect Taxes, with a widely dispersed, moderately numerous personnel, 259 out of 2,250 in 1919 and 248 out of 3,719 in 1926, or a little less than 12 and 7 per cent respectively. Inasmuch as during the early post-war years recruitment was unusually difficult, these retirement figures probably are abnormally low for units in which many employees were retained beyond the legal retiring age, and contrariwise, possibly a little above the annual pre-war averages for services whose ranks were decimated of young men by war losses.

The calculation of accurate rates of staff turnover for a civil service with as complex an organization and as decentralized a control as the French would involve an enormous amount of detailed statistical labor. Furthermore, to have much significance such an analysis ought to cover fairly long periods, during which conditions of recruitment and the size of the large staffs were relatively stable, in order that definitive trends could be indicated. In the early stage of his investigation the present writer contemplated undertaking this task, but the difficulties he encountered in his initial efforts to collect the necessary data caused him to abandon it. Rough estimations of turnover, however, were obtained by direct

appeal to certain personnel bureaus. In the postal, telegraph, and telephone services the aggregate annual turnover of personnel ranges from 8 to 10 per cent.⁶² For the Treasury it has fluctuated between 10 and 15 per cent since the war. Except in small, highly specialized services, the rate rarely exceeds the latter figure; in fact, it tends normally to fall considerably below it.⁶³

On the score of stability, then, French administrative staffing compares favorably with the British, even more so with the American, until one reaches the topmost supervisory posts, where the turnover is often excessively rapid, partly because of a diminishing attractiveness of the public service as a permanent career for men with first-rate executive ability; partly, also, because the selection and retention of men for key posts are often influenced as much by the swing of the political pendulum as by strict considerations of merit. How this residue of political interference affects departmental efficiency and staff morale will appear as we analyze the management of personnel in specific organizational units.⁶⁴

⁶² In 1913 it was one-fourteenth, in 1926, one-twelfth. (Reply to the writer's questionnaire.)

⁶³ In the Division of Registrations turnover ran as follows in three sample years: 1913—4 per cent; 1919—five per cent; 1926—ten per cent; while in the Division of Moneys and Medals, with only seventy-five employees, it averaged as low as two per cent over a fifteen-year period (1913-27).

⁶⁴ Cf. Chaps. XI-XII.

CHAPTER X

EMPLOYEE BEHAVIOR AND ITS SANCTIONS

"Administration is at least as much a matter of the heart as of the brain."

—SIR MALCOLM RAMSEY.

Like their confrères in all modern democratic States, French civil servants occupy a dual status. From one point of view, they are paid employees of the government, expected as such to administer with complete political impartiality the orders of the legislative and executive authorities. If misconduct in line of duty occurs, the problem of discipline arises—a sanction peculiarly difficult to apply in view of "the non-competitive, sheltered nature of the public services" and the ease with which organized staff groups may go over the heads of their immediate superiors and exert pressure upon Parliament or the electorate. Where, also, the appointing authority is territorially far removed from offenders in field establishments, the difficulty is magnified.

At the same time, the fonctionnaire is a human being, affected by the material and psychological conditions surrounding his employment; as well as a citizen claiming the right to exercise the totality of the latter's civic and political prerogatives. But some of these prerogatives, as, for instance, active participation in political campaigns, are hardly compatible with the neutrality inherent in the faithful, efficient performance of his administrative duties. Where shall the line be drawn between proper and improper activity outside office hours? Suppose a fonctionnaire desires to be a candidate for a municipal council or the Chamber of Deputies, must he resign immediately upon announcing his candidature, or merely

in the event of his election? How, again, should he be dealt with if he delivers to friends and neighbors a public discourse praising Russian Bolshevism, a speech not made under the auspices of any recognized political party or faction? Again, what if he proceeds to criticize by articles in the daily press certain controversial policies of the government that employs him—policies, perchance, with which his own department may be concerned? These and many other knotty situations are constantly emerging.

Viewed, therefore, from whatever angle one likes, this dual status of the fonctionnaire creates a succession of delicate problems. The reconciliation of stability and permanence of tenure with public authority and professional proficiency in a centralized bureaucracy is not easy; and the conflict between the position of the civil servant as an employee of the State with his situation as one of its citizens and voters produces frequent impasses.

A. EVOLUTION OF A CODE OF DISCIPLINARY PROCEDURE

In the French civil service the problem may best be approached by sketching the way in which the present-day panoply of disciplinary agencies and penalties has been evolved.¹ "Administrative discipline," from the French juristic point of view, "is the sanction of the administration's power of surveillance over subordinates in order to guarantee the accomplishment by the latter of their functional obligations. . . . This surveillance implies, first, for the official invested with the power, the possibility of addressing to subordinate agents instructions by individual communications and by general circulars, orders indicating the general line of conduct they are to follow but leaving to them a certain discretion;

¹ The excellent summary of the pre-war development of disciplinary councils contained in G. Cahen's *Les Fonctionnaires* (Paris, 1911), pp. 231-238, was freely drawn upon in preparing this section. Cf. also, M. Gibert, *La Discipline des Fonctions publiques* (Paris, 1912), and L. Duguit, *L'Etat, les Gouvernants, et les Agents* (Paris, 1903), p. 462 ff.

or explicit commands imposing upon a given employee the obligation to act in a specified situation according to a strictly pre-determined manner."² In this sense, disciplinary power becomes penal repression exercised by superior authority.

It was to prevent superior authority from exercising this power in an *arbitrary* manner that the organized rank and file undertook a generation ago their fight for the establishment of disciplinary councils. Our previous discussions of what *l'arbitraire* meant in the days of the Dreyfus Affair and the subsequent bitter struggle between Church and State make it unnecessary again to enlarge upon the topic.³ To its victims, *l'arbitraire* included delayed advancement, demotion, or dismissal for reasons unrelated to the quality of their official services—penalties invoked after secret espionage and with brazen political arrogance.⁴

In syndicalist parlance, reform was conceived in terms of the erection of juridical guarantees to protect staff personnel from the irresponsible "autocracy" of those higher up. This, of course, was but another aspect of the effort to achieve *un statut légal*. As early as the eighties teachers and professors had been granted statutory protection against arbitrary transfer, suspension, and dismissal by the provision for definitely constituted tribunals (*conseils de discipline*) to hear and pass upon all serious charges.⁵ The security of tenure of the magistracy had similarly been protected.⁶ In like manner, the administrative and manipulative employee groups demanded that these precedents be extended to cover cases of discipline in their own departments.

The P. T. T. was the first large administrative service to make concessions to its employees. Despite concerted pressure from its militant rank and file for local as well as central bi-partite tribunals, the first council to be set up operated

² Duguit, *Traité* (2nd ed.), Vol. III, p. 251.

³ Cf. especially Chap. IV, section A.

⁴ Cf. Laski's interesting discussion of its ramifications in his *Authority in the Modern State*, final chapter.

⁵ Laws of 27 Feb., 1880, and 28 Dec., 1885.

⁶ Cf. Chap. III.

only in Paris and until 1901 included only high departmental officials. In the latter year, however, a ministerial decree authorized the appointment of two staff representatives from each of the eleven functional categories into which the employees were then divided. Five years later regional councils were established to hear cases of ordinary importance outside Paris. Before these tribunals the defendant could appear in person or be represented by counsel. The next stage in this evolution came in 1907 when staff groups were permitted to elect their own representatives. Finally, by decrees issued in 1910, the whole procedure according to which these councils functioned was minutely prescribed in the interest of the accused.⁷

Meanwhile, analogous developments were taking place in the large field establishments of the Treasury and the central offices of the Ministries of Commerce and of Agriculture.⁸ During the twenty years or more that have since passed, disciplinary councils have penetrated nearly all the larger central and exterior services, as well as many of the smaller.⁹ Today the only important units in which some kind of collegiate disciplinary agency does not operate are the Foreign Office, the prefectorial services, the Inspectorate of the Ministry of Finance, and the Council of State. All of the latter, incidentally, represent services in which the problem of discipline is comparatively simple.¹⁰

Parallel with the setting up of special judicial agencies to pass upon alleged breaches of conduct, there has been a tendency to systematize juridically the penalties which may be inflicted. The lighter penalties (*du premier degré*), still im-

⁷ As well as codifying existing rules of operation, a subsequent decree of 23 Sept., 1919, slightly reorganized the P. T. T. councils.

⁸ Decree of 2 Feb., 1907, and others of similar date.

⁹ The tendency is to standardize disciplinary procedure throughout the larger administrative departments.

¹⁰ The abortive general civil service statute proposed in 1920 contained a provision making obligatory the setting up of a disciplinary council in every service unit, with a third of the membership elected by the staff thereof and with a specific delimitation of penalties.

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 287

posable by a *chef de service* on his own authority, have come rather generally to be confined to the following:

- (1) Oral warning (*avertissement*) and
- (2) Formal reprimand recorded in employee's *dossier*

The heavier penalties (*des deuxième et troisième degrés*), imposable only by order of a disciplinary council in those services where such councils are provided, are several in number:¹¹

- (1) Transfer to a less desirable post of equivalent grade
- (2) Retrogradation of accused's name on the promotion list
- (3) Delayed advancement in class or grade
- (4) Demotion in class or grade
- (5) Suspension with partial or no pay
- (6) Premature retirement, and
- (7) Dismissal

In the majority of executive departments and independent personnel units the legally imposable penalties are limitatively enumerated by statute, ordinance, or ministerial circular. As yet, this evolution toward the "jurisdictionalization" of the forms which administrative disciplinary action may take has not gone so far as to define what a disciplinary fault is.¹² The superior officer, or council, has complete latitude in apportioning penalties to offenses. As we shall see further on, the failure to delimit the character of the latter constitutes a weakness in the code from the employee's point of view, as it leaves a loophole by which irreprehensible acts outside the line of duty may be made the pretext for official punishment.

¹¹ In cases where the offense is exceptionally grave, like a crime or participation in a strike, the head of the service concerned may suspend the offending employee pending trial. This is held to be a purely administrative action without having necessarily any disciplinary implications. The *statut* of 1920, referred to above, restricted second degree penalties to removal from a promotion list, transfer, and demotion in class, and third degree penalties, to demotion in grade, suspension, and dismissal. Failing the enactment of this general *statut*, departmental practice in this respect still shows minor deviations.

¹² Except in one or two isolated instances, as, for example, the law of 30 Aug., 1883, on judicial reform.

The typical disciplinary council is composed of three categories of members: (1) ex-officio, including the director of the division or office concerned, (2) those designated by the minister, and (3) those elected by staff groups. The last category, chosen by secret ballot usually for a term of two years, may sit only on cases affecting fellow-employees of their own grade—"a practical application," observes one regulation, "of the principle of judgment by one's peers."¹³ In the field services of the P. T. T., where disciplinary procedure has attained great refinement of detail, the total membership of each regional council is eight, three of whom are elected; for the small headquarters offices of the Ministry of the Interior the council consists of the several divisional directors plus two elected members, a minimum of seven persons being necessary to hear a case.

One member designated as "reporter" has the responsibility of making a preliminary inquiry, assembling all relevant documents, and submitting to the council at the beginning of the hearing a report of the case with recommendations as to how it should be disposed of. Where the number of cases to be heard is large, as in the P. T. T., the functions of the reporter are centralized in the same official for an extended period, partly for purposes of co-ordination and economy of effort, and partly on the theory that such an arrangement is conducive to a more objective presentation of the issue than if it were handled by the respective *chefs de service* in cases involving their own subordinates. This type of reporter has no vote in the council when the final ballot is taken.

Within a prescribed number of days after charges are formally brought against an employee, the latter must indicate who, if anybody, is to appear as his defender. In most cases some friendly colleague can be induced to perform this rôle; failing that, a private lawyer may be engaged. The accused,

¹³ M. Lefas favors selection by lot as the fairest method in that new jurors would be secured for each case. Cf. *L'Etat et ses Fonctionnaires*, p. 132.

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 289

meanwhile, is entitled to have his complete personal *dossier* delivered to him, primarily in order that he may become acquainted with the nature of the charge, although he incidentally learns *all* his chiefs have recorded about him during his entire career.¹⁴ He may also designate witnesses to testify in his behalf, just as the administration may summon its witnesses.

The accused is not obliged to appear in person, but usually finds it advantageous to do so. The president of the Council fixes, after due notice, the date and place of the hearing.

The hearing itself progresses semi-informally. After the reporter has read a summary of the case and presented his recommendations, the presiding officer, either on his own initiative or at the request of other members, adds any remarks which he thinks will help clarify the issue. Then the accused, or his defender, or both, are heard, together with whatever other testimony either side wishes to introduce.¹⁵ After the defendant has retired with his counsel, the members of the court proceed to deliberate on the sanction to be applied, asking for further information if they like. The president then puts to a vote the penalty recommended in the report submitted by the reporter.¹⁶ If this proposition is not unanimously accepted, other penalties may be proposed by individual members and, beginning with the most severe sanction, put to a vote. In most jurisdictions, the infliction of any penalty at all requires unanimous assent; in others, where a minority dissents, the sentence most favorable to the accused is adopted. The final stage in the proceedings comes when the accused and his defender return to the room to hear the verdict.

A detailed record of each case is transmitted through official channels to the Minister of the department concerned. In departments where the Minister is not legally bound to accept

¹⁴ By Art. 65 of the law of 1905, previously cited.

¹⁵ The accused himself may be invited, but not forced to testify.

¹⁶ Some councils vote by secret ballot; others, by the raising of hands.

the decisions rendered by disciplinary councils, he nevertheless almost invariably does so. As a matter of fact, were he to do otherwise, such an uproar of disapproval from his staffs would follow that the affair might entail nasty political repercussions, involving possibly an interpellation in the Chamber or Senate.

Once the Minister approves the decision of a council, the accused is immediately notified. If there has been any irregularity in the proceedings, an appeal (*recours pour excès de pouvoir*) may be taken by the defendant to the Council of State, which has the power to set aside the decision.¹⁷ The most common grounds for appeal lie in alleged violations of the rule compelling *communication du dossier*. On this point the Council of State has in a long series of decisions established precedents to the effect that only those documents bearing directly or indirectly upon the *immediate* complaint must be included in the *dossier*.¹⁸ Other occasional irregularities giving rise to appeals are the failure to allow the accused to be represented by an attorney and the defective composition of the disciplinary council. So long, however, as statutory and departmental regulations have been properly observed, the high court cannot intervene.

In case of dismissal, the supreme penalty which it is permissible for administrative authorities to impose upon a fonctionnaire, the accused employee has a further protection.¹⁹ He may claim that the motive behind the act was not justified (*détournement de pouvoir*) and demand damages.²⁰ If, how-

¹⁷ Unless appeals are initiated within two months, the original decision stands.

¹⁸ But this ruling is interpreted to mean that documents appearing subsequently to the transmissal of the defendant's record cannot be denied his inspection. Cf. Alibert, *op. cit.*, p. 224, for a summary of this jurisprudence; also, for interesting comments on recent decisions, *La Tribune du Fonctionnaire*, 2 June, 1928.

¹⁹ For teachers, however, there is a penalty more severe than dismissal, namely, the denial of the right to teach during a prescribed period (up to five years), or forever.

²⁰ Duguit (*Traité*, Vol. III, p. 173) insists that *détournement de pouvoir* may be invoked against any disciplinary measure, regardless of

ever, there has been a regularly constituted hearing and decision by a council, the Council of State presumes that the action was justifiable. Where the dismissal of a high official may be ordered by the head of a department on his own authority, it appears that the former has no judicial recourse. In effect, this means that prefects, ambassadors, and colonial governors (but nowadays almost no other administrative officers) legally hold their appointments at the mercy of the minister.²¹

Special comment on the modes of "suspending" administrative employees is here appropriate.²² In French personnel parlance, suspension is of various types. The official terminology is confusing. Each service seems to develop its own vocabulary in its own way. *Suspension* properly speaking and *mise à pied* are always disciplinary measures involving the loss of all or partial salary. So apparently is *mise en congé d'office*. In all three of these actions the duration of the suspension is definitely fixed by the suspending authority in advance, as, likewise, is the pecuniary status of the employee during suspension. *Mise en disponibilité d'office*, on the contrary, is provisional suspension for an undetermined period. It may be ordered either for disciplinary reasons or for the "necessities of the service."²³ *Mise en non-activité* may be defined as a temporary deprivation of employment with full maintenance of rank and salary. In the civil service it is resorted to only in exceptional instances, its application being confined mainly to military and naval officers. Finally, non-disciplinary suspension may, as was previously pointed out, take the form of an extended leave of absence, denominated

whether it was irregularly taken or not; but administrative jurisprudence has not yet adopted so advanced a view.

²¹ The 1920 *statut* was to apply neither to these nor to departmental directors. Cf. Berthélemy, *op. cit.* (12th ed.), p. 80.

²² This explanation is based principally upon M. Jèze's clarifying article in the *Revue du Droit public*, Oct.-Nov.-Dec., 1928.

²³ *Mise en disponibilité* is also sometimes used to denote assignment on detached service, e.g., an engineer from the Ministry of Public Works to a local government unit or a private industrial concern.

merely a *mise en congé*, for the employee's personal convenience.

The re-instatement of an employee dismissed or suspended for disciplinary reasons, or granted extended leave of absence, requires the approval of the authority having issued the original order. If the order was issued on the recommendation of a disciplinary council, the application for re-instatement must be considered by the latter body. If it advises the department or division head concerned what to do in the matter, and if re-instatement is favored, the appropriate council also must decide what the subsequent seniority status of the re-instated employee shall be. In the P. T. T., when a request for re-instatement is rejected, another may not be made for at least a year. From all appearances, re-instatement after dismissal is but rarely granted because of its bad effect upon discipline and authority in the service.²⁴

B. HOW THE CODE OPERATES

In appraising the operation of this scheme of councils and penalties, it will be convenient to consider it first from the viewpoint of the administration. In most services the records of disciplinary cases are not open to the public. Nor, so far as the writer could ascertain, do any of the departments (except the P. T. T.) compile complete statistics of the number of cases per year and their disposition. By personal inquiry, however, it was discovered that comparatively few affairs go before the councils. "The number of cases," remarked the personnel officer of the Ministry of Public Works, (with 18,000 employees) "is extremely rare." There are only three or four cases a year among 15,000 secondary school teachers. In the Ministry of Commerce, to take a small central staff, no penalties at all were imposed during three sample years (1913, 1920, and 1926) about which inquiry was made.

²⁴ Interview with the Assistant Personnel Officer of the P. T. T., 1 June, 1927.

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 293

In the P. T. T., the operational reports for 1924 and 1927 recorded respectively 756 and 850 disciplinary cases resulting in the imposition of penalties. These figures mean that about one out of every two hundred employees was disciplined during the year. In 1927 the chief penalties were distributed as follows: ²⁵

Oral reprimand	47
Formal written reprimand	167
Temporary suspension	226
Transfer without loss of pay	67
Transfer with loss of pay	2
Demotion in class	1
Demotion in grade	11
Indefinite suspension	85
Exclusion from cadres	87
Dismissal	92

What strikes one in scanning the above list is the small proportion of serious penalties, less than one-eighth being dismissal.

The infrequency with which cases are submitted to French disciplinary councils might, of course, be interpreted in the sense that the need for disciplinary action is negligible. For, as Professor White has suggested, "it should be an objective and a test of the whole personnel system to operate so perfectly that the need for discipline, at least in its more serious aspects, would seldom arise." ²⁶ So far as major offenses like drunkenness, flagrant insubordination, or gross negligence are concerned, this is probably true of the French public service.²⁷ But when it comes to dealing with the more common human attributes of laziness, indifference, lack of courtesy, and so on, the system of bi-partite councils appears to be too cumbersome and difficult for effective application. Everywhere

²⁵ *Rapport* (1927), p. 76. Of the total number of penalties here listed, 352 were imposed by the central council and 404 by regional councils. Unfortunately, the offenses giving rise to these penalties were not reported. In addition, there were 47 requests for re-instatement, only 6 of which were acted upon favorably.

²⁶ *Op. cit.*, p. 340.

²⁷ Of 850 cases considered in the P. T. T. during 1927, only 41 gave rise to actions in the regular courts outside.

conscientious supervisory officials complain that the system does not meet the daily needs of office organization.²⁸ Only after the gravest provocation is an employee ever dismissed; and the fact that he knows only too well how much trouble his chief will be put to in submitting his chronic sins of omission to a *conseil de discipline* is an invitation for him to make them increasingly chronic. There are numerous examples, even, where guilty employees have escaped all responsibility for serious misdeeds.²⁹ Useless personnel cannot be got rid of, while looseness in applying available sanctions makes for wastefulness in method and ineffectiveness in utilizing passably good employees.³⁰

As a partial corrective of this "*crise d'autorité*," it has been proposed that the *chef de service* alone be empowered to deal with all but the gravest offenses, with right of appeal to a disciplinary tribunal to protect the accused. Another suggestion one occasionally hears is that fonctionnaires should be judged for their faults by outside bodies composed of magistrates or members of Parliament. In the writer's judgment, the first of these proposals would not change things one whit, unless, somehow or other, the mass of employees could be convinced that their official superiors were motivated exclusively by a high sense of integrity and justice. The adoption of the second suggestion would probably entail new difficulties equally nasty, even if, as one doubts, it could be made acceptable to the civil servants as a group.

While admitting the foregoing defects in the system of disciplinary councils from the standpoint of administrative authority and efficiency, one cannot deny that the councils have given to subordinate personnel invaluable guarantees against unjust and arbitrary punishment for the expression of

²⁸ This point of view was quite generally voiced at the Third International Congress of Public Administration (Paris, 1927), to which the writer was a delegate.

²⁹ Cf. Lefas, *op. cit.*, pp. 91-93.

³⁰ How, for instance, could the disciplinary code effectively be applied to the petty personnel whom the writer found playing cards at 3 P.M. on a working day at the headquarters of the Ministry of the Interior?

political and religious opinions. This is most clearly seen by comparing the protected situation of the staff in departments where full-fledged councils now operate with what it is in the others. Nor do the representatives of subaltern groups on the councils always vote in favor of their comrades accused of official misconduct. As we have seen, the decisions in cases actually brought to trial are by no means all one way.

So wedded are the rank and file to the idea of permitting bi-partite tribunals to pass upon charges of indiscipline brought against their number that they have continued since the war to demand parity of representation for staff and departmental officialdom inside the councils. Some, also, urge that the deliberations of the councils be opened to the public, while others want all *chefs de cabinet* excluded on the ground that the latter are always guided by political pre-occupations.

A resolution adopted unanimously by the French League for the Defense of the Rights of Man at its national congress of 1923 admirably epitomizes the prevalent staff attitude. The pertinent excerpt is quoted below: ³¹

... "In the case where a fonctionnaire is accused of having, in the exercise of his official duties, abused his position or been derelict in his professional obligations, it should belong to a disciplinary council or tribunal *à base paritaire*, after having heard the accused and observed and assured judicial safeguards, to pronounce a judgment which will either acquit him or fix the penalty that he should suffer by the application of the laws and regulations governing his service."

This is the "model" régime which the mass of subordinate employees would like to see established throughout—a régime in which departmental heads would be bound invariably to accept the verdict of the appropriate council.

C. CIVIC RIGHTS AND POLITICAL ACTIVITY

The phrase "official conduct" in the resolution quoted above needs to be singled out for special comment. This phrase gives

³¹ *Compte-rendu sténographique* (Paris, 1924), p. 258.

the key to the contentious subject captioned at the beginning of this section. From the French staff point of view, the confines of administrative discipline should be restricted to breaches of *official* conduct. Beyond that, fonctionnaires, as the foregoing resolution goes on to say in its final clause, "are governed by the rules of the common law." In short, according to this thesis, State employees are full-fledged citizens like the rest of the population. As such, they are accountable to no administrative authority for the way they vote or for the public expression of political or religious ideas. Even for open participation in the activities of political parties and other propagandist groups, they would expect to receive immunity.

It goes without saying that no such absolute position has ever been adopted, in theory or practice, by the Government. It was the Napoleonic tradition that the fonctionnaire owed complete political, as well as professional, allegiance to the State. Carried over with fluctuating emphasis into succeeding régimes during the nineteenth century, this tradition still waxed strong as late as the opening decade of the twentieth. Nor has it yet completely given way to the notion that administrative and political behavior may and should be separated.

So far as the simple act of voting goes, no *legal* restrictions have been placed upon civil servants since the advent of the third Republic. In this respect, it is conceived that fonctionnaires fully share the "glorious" revolutionary inheritance of "the rights of man and the citizen" belonging *par excellence* to all Frenchmen (though not as yet to Frenchwomen!). This is not to say, however, that at epochs when political fervor has been at white heat attempts have not been made to exercise surveillance over the manner in which State employees have exercised the suffrage. The extent to which administrative officials used to be obliged, yes, virtually ordered, to "support" the Government's candidate (*le candidat officiel*) for Parliament in their districts is a matter of general noto-

riety in French political history.³² Time was in the early years of the Third Republic when on the eve of every general election ministerial circulars would be addressed to each prefect calling attention to the government's interest in the successful candidature of Monsieur X and directing the former to see to it that the votes of his subordinates were cast for the latter! In those days the prefect was virtually "responsible for the result of the election." If the Government lost in his *département*, dismissal might be his bitter reward. Replying to a certain prefect's exhortation against dismissal in view of his long and faithful services, one minister is reported to have said, "There is only a day every six years when I can appreciate the quality of your service; that is election day!"³³ Each group of subaltern employees would receive from their hierarchical superior detailed instructions as to what course to follow in the campaign. The ensemble of *instituteurs*, tax collectors, and postmen in a district frequently constituted a large enough bloc of votes to swing the election.

Within the last forty years "the official candidacy" has tended *per se* to disappear from French elections. Beginning with the election of 1885, orders from Paris calling for "neutrality" have, outwardly at least, replaced the sort of circular referred to above. As a typical example of this change in official *mores*, the circular issued to his prefects in 1920 by the Minister of the Interior, M. Steeg, may be cited:

"Without departing from the traditions of defense [of republican principles] and courtesy which your position obliges you maintain in your *département*, you will take care to abstain from any manifestations or advances which might be interpreted so as to compromise your status as representatives of the government; above all, refrain from expressing a preference, either publicly or privately, for any of the candidates

³² For an interesting, if somewhat impressionistic, account of the political pressure upon fonctionnaires at election time, cf. A. Pilenco, *Les Mœurs du suffrage universel en France (1848-1928)*, (Paris, 1930), pp. 75-93, 170-184.

³³ *Ibid.*, p. 88.

. . . you will communicate to your subordinates the present instructions. . . ." ³⁴

Yet, from his personal analyses of the general elections of 1924 and 1928 the present writer feels convinced that undercover administrative pressure, while steadily diminishing, still exists.³⁵ Nor is all of it clandestine. In a constituency where a minister himself runs for re-election it is common knowledge that the prefect is still normally expected to aid in the former's success at the polls. Occasionally, as in 1928, it is charged by the conservatives that certain radical prefects work against conservative candidates when the right wing is in power.³⁶

So far as electoral campaigns are concerned, the office of prefect is slowly taking on a veneer of "political neutrality." This evolution is the natural concomitant of the development of professional standards in recruiting and promoting prefects. As one of their number wrote to *Le Temps* during the 1928 campaign, "for twenty years the functions of prefect have been veering more and more toward administration rather than toward politics. Today the prefects communicate hardly at all with any central official but the minister of the interior. The other ministers correspond directly with their local representatives: chief engineers, school inspectors, finance officials, and magistrates. Thus the prefect has little effect upon the elections. But the 'governmental' candidate (where there is one) still likes to complain of the prefect's neutrality; and the other candidates fear that he will not remain neutral."³⁷

In proportion as direct administrative intervention in behalf of governmental candidates has declined, the activity of fonctionnaires in politics has expanded. This has orientated the problem in quite a different way. In large measure, syn-

³⁴ *Ibid.*, p. 171.

³⁵ Cf. his articles on these two elections in the *Amer. Pol. Sci. Rev.*, Aug., 1924, and Aug., 1928.

³⁶ Cf. *Le Temps*, 7 April, 1928. This probably did not happen in many districts.

³⁷ As reported in the issue of 10 May, 1928.

dicalism gives the explanation to this phenomenon.³⁸ In view of the syndicalists' professed renunciation of "political" methods, this statement may at first seem paradoxical. But indirectly, if not openly, the versatile nuances of "direct action" have inevitably engulfed its protagonists in party politics. What is more, the spread of corporate organization among State employees, especially subalterns, has given them an urge to play an aggressive rôle in the propagation of political and social ideas. Instances of *fonctionnaires* standing for Parliament are no longer isolated. An increasing number, though still small, are elected to the Chamber of Deputies. And the leaders of their *syndicats* nowadays issue pronouncements to Parliament and the electorate with impunity.

As a consequence of this far-reaching transformation in staff attitude, a vigorous reaction was provoked from officialdom. The traditional tendency to maintain a "degrading surveillance" over the ideas and behavior of governmental staffs had already been fanned anew by the rise of clericalism as a political creed at the opening of the century. To the cabinets of "republican defense" and "republican concentration" of those feverish years it seemed incompatible with "authority" to allow civil servants with "reactionary" (anti-Republican!) opinions to go unpunished. There were numerous instances of dismissal and transfer on this pretext. Freedom of public worship momentarily ceased to operate for thousands of teachers, postmasters, revenue collectors, and army officers.

As the Republic consolidated its position and fears of a clerical triumph waned, the focus of control shifted. The republican "liberalism" of 1905 kept its label but lost much of its substance. A new force had arisen on the left—a force preaching economic revolution along the path of the general strike and advocating pacifism by way of passive resistance. As this force permeated the *milieu des fonctionnaires*, the strong hand of authority was directed against pacifist peda-

³⁸ Cf. Chap. XV for a detailed account of the structure and activities of administrative syndicalism.

gogues and syndicalist orators, among whom the postmen and arsenal workers were then in the vanguard.³⁹

In his essay on *Authority in the Modern State*, Laski has so poignantly portrayed the insidiously demoralizing effects of these pre-war restrictions on the freedom of opinion of administrative staffs that there is no need here to reiterate the story.⁴⁰ As he points out, the Government, genuinely alarmed over threatened and actual strikes by syndicalist groups, pursued a vacillating policy which but added to the confusion. It seemed either unwilling or incapable of going to the root of the disturbances. Cabinet after cabinet was content to "snipe" at individual employees allegedly guilty of violating the "neutrality" of their office. Partly because of their strategic position as instructors of the country's youth, partly because they had become one of the most militant elements in the syndicalist movement, the elementary school teachers were the central target for this restrictionist policy.

The World War and its chaotic aftermath accentuated official fears and oppressions. Syndicalism had, after all, been largely a native French product, but the new spectre, Bolshevism, was not only a harbinger of revolution, but it struck at national patriotism more forcibly than any preceding brand of radicalism. Already socialist in political creed, a considerable minority of the mass of fonctionnaires now openly espoused communism, joining the newly organized French communist party having direct affiliations with the Third International. Following the current schism between moderates and extremists in French organized labor, the larger civil service staff associations also split, the smaller groups organizing themselves into "communist" *syndicats* and threatening to strike in sympathy with their comrades in industry.

While at no time during these early post-war years was

³⁹ Cf. *La Tribune du Fonctionnaire*, July, 1913, for an account of the threatened ministerial action against a group of *lycée* professors for sending to Parliament a manifesto protesting against the three-year military service bill.

⁴⁰ Cf. especially, p. 330 ff.

France in any imminent danger of revolution, the ultra-nationalist *Bloc National* in power from 1919 to 1924 saw "red" at every turn. In the campaign of repression that was inaugurated by M. Millerand and M. Poincaré, its two principal chieftains, the behavior of fonctionnaires when outside office hours or not in official uniform was attacked on three counts: (1) direct participation in radical (socialist and communist) party activity, (2) carrying on militant syndicalist propaganda, and (3) the public expression of opinions implying criticism of conservative governmental policies, whether administrative or legislative. Though applied spasmodically and often inconsistently, a harassing surveillance of civil servant behavior continued unabated until after the advent of the Herriot régime in 1924. From then to the middle of 1926 its intensity was greatly moderated without, however, ever disappearing altogether. After 1926, under Poincaré and later under Tardieu, the Government showed signs of reviving a part, at least, of its persecutionist attitude.

Now the writer would be the last to contend that the extra-official conduct of certain French government employees in those years was not reprehensible, or that it was compatible with the dignity and reserve that ideally should characterize the administrative officers of a republic. It is true that there were occasional attempts to bring discredit upon the public service, even to sabotage it. True it was also that violent extremism marked many of the diatribes delivered by embittered petty fonctionnaires in their home communities. At the same time, an unbiased perusal of the record of high-handed disciplinary measures invoked since the war clearly reveals how easy it is for a determined Government to invade the area of reasonable exercise of civic rights by its employees.

Much of this record is contained in the files of the weekly journal of the French League for the Defense of the Rights of Man. For it is to the latter organization that the victims (and alleged victims) have ordinarily turned for redress when their own appeals to departmental authorities have won no re-

sponse. Born out of the repercussions of the Dreyfus Affair a generation ago, this agency of liberal opinion has consecrated itself to unimpaired maintenance of "democratic" liberties. It has intervened in hundreds of cases of political oppression and administrative injustice and been able in many instances to secure full or partial redress for the injured parties. In short, the League has served as an invaluable instrument of popular control over the acts of public officials.

From the long succession of cases recounted in *Les Cahiers* of the League (and elsewhere) since 1920 a random selection may be cited to illumine concretely the varying degrees of disciplinary restriction on the extra-official behavior of fonctionnaires. Let us notice first the range of official attitude toward participation in party activity.

Fonctionnaires who themselves became candidates for election to the Chamber of Deputies in 1924 were treated differently depending upon when they announced their candidacies. Those who waited until the beginning of the official campaign period were merely placed on leave without pay for the duration of the campaign, and re-instated in their positions immediately thereafter, unless elected. On the other hand, those who inaugurated their campaigns earlier, by speeches or articles in the press, were indefinitely suspended without pay, replaced in their employment, and re-instated only as vacancies occurred in their respective services. These measures were imposed regardless of whether or not the employee-candidates pledged themselves to continue without interruption the performance of their official duties.⁴¹

In the face of vigorous protests from liberal opinion, the

⁴¹ Incidentally, the legality of Poincaré's ruling would seem tainted, for the Council of State in two decisions handed down in 1918 held that no fonctionnaire able and willing to carry on his official duties could be deprived of his pay during the period of his candidacy unless he himself requested leave of absence. The Poincaré Government, however, went so far as to propose a law limiting the eligibility of fonctionnaires to vote and hold office, but Parliament refused to take the proposal seriously. The *statut* of 1920 would have required that candidates be *mis en congé* without pay during the electoral period.

Herriot government not only re-instated the officials affected by Poincaré's ruling, but allowed them their back pay as well. The following year a circular of the Ministry of the Interior addressed to all prefects re-defined the Government's position as follows: (1) that any political action short of violent or excessive demonstration might freely be taken by a civil servant in anticipation of a declaration of candidacy for office, (2) that if his candidacy did not interfere with his official work he would be retained on full pay, and (3) that if the circumstances of his campaign prevented this, he would be accorded leave of absence without pay and returned to his post immediately after the election if unsuccessful therein.⁴² Substantially as stated above, these rules held during the general elections of 1928, when as many as twenty-one fonctionnaires were sent to the Chamber. Since the French Constitution forbids a salaried public official from holding both a seat in the Chamber and his office, these men, of course, had to choose between the Palais Bourbon and their administrative posts.

Even by the more militant syndicalists among the fonctionnaires the official ruling on party candidacies as outlined in the preceding paragraph was accepted as a fair and liberal attitude. Not so, however, was the persistent governmental interference with other forms of party activity after the war. The first protest called forth by this repressive policy was lodged against a circular issued in 1921 by the Minister of Public Instruction warning *instituteurs* to refrain from participating in any propaganda "proposing recourse to violence in order to establish a régime, which, under the name of dictatorship of the proletariat, would result in abolishing universal suffrage, national representation, and, consequently,

⁴² Circular of 23 April, 1925. These instructions were to apply equally to senatorial, cantonal, and municipal elections. Notwithstanding, the following November M. Caillaux issued to the personnel of his Ministry (of Finance) a circular warning those who became candidates in the impending municipal elections that they would expose themselves to "involuntary transfer" after the elections. Upon protest by the League for the Rights of Man, however, this circular was subsequently recalled.

liberty.”⁴³ The syndicalist groups feared the abuses of interpretation to which such a vaguely phrased circular might lend itself.

Specific instances where it was subsequently applied seem in some degree to justify this fear. In one case twenty teachers were formally reprimanded because, as it was alleged, they had adhered to the Third International; whereas the only evidence actually presented was that they were subscribers to *La Vie Ouvrière*, a socialist labor paper.⁴⁴ Two teachers were dismissed for signing a poster distributed by the local committee of the communist party.⁴⁵ A receiver of taxes at the Havre whose official duties were being conscientiously and discreetly performed was transferred to an obscure village as a penalty for acting as a local treasurer of the same party.⁴⁶ A senior clerk at Lyons was demoted to a lower salary level without other cause than the bare fact that he was a communist!⁴⁷ On the pretext that he had been wounded and *mal noté*, but really because he had distributed a tract in favor of a socialist newspaper, a tax examiner was removed against his will from Albi to Toulouse, where he was unable to find lodgings and where his family was in dire want when the League's attention was called to their predicament.⁴⁸

All of these measures directed against radical activity occurred during the ascendancy of the Bloc National. Two years later, under a Government of the Left-Center, we read of an instructor at a municipal college being removed to a less desirable post ostensibly for having participated in a clerical demonstration, though actually for having espoused the royalist cause.⁴⁹ The political shoe was then on the other foot!

One of the most sensational instances of suspension for political activity in recent years occurred in 1929. In this case a member of the teaching staff of the *Lycée de Toulouse*, shortly after his promotion to a chair in the *Lycée Condorcet*

⁴³ *Les Cahiers* (1920), pp. 281, 307.

⁴⁴ *Ibid.*, (1922), pp. 68, 234.

⁴⁵ *Ibid.*, 10 Nov., 1921.

⁴⁶ *Ibid.*, 25 April, 1923.

⁴⁷ *Ibid.*, 10 Feb., 1924.

⁴⁸ *Ibid.*, same date.

⁴⁹ *Ibid.*, 10 June, 1926.

in Paris in recognition of professional excellence, was severely attacked by the conservative press (especially *Le Temps*) because of alleged "revolutionary" activities. Pending an investigation, the Government suspended the offending pedagogue, who, it appears, had, while addressing a public meeting of workers in Toulouse, been asked by the police to move along. A controversy arose, as a result of which the teacher was arrested and sentenced to six days' imprisonment. The case aroused a furor in radical quarters, where it was held unlikely that "if Professor Baby had introduced partisan opinion into his lectures at Toulouse, the Government inspectors would have failed to report the matter." The issue, therefore, resolved itself into whether a teacher might exercise outside the classroom his "rights of free speech and opinion."⁵⁰

Shading off in varying degree from direct party activity through writing and speaking come public utterances on controversial political and social issues, including criticisms of governmental and administrative policies. Like all French citizens, fonctionnaires regard it as their inalienable right to voice their views on all questions susceptible of public (or for that matter private!) debate. But when these views run counter to locally established mores or national patriotism, the strong arm of authority may fall upon the offending employee.

Thus an *institutrice* suffered summary dismissal in 1924 on account of her participating in birth control propaganda, the Prefect in question gratuitously interpreting her misdemeanor "as contrary to *les mœurs*," which the Council of State had, in a previous case, held sufficient cause for dismissal. When the Ministry's attention was called to the fact that, since birth control was a doctrine supported by respectable and intelligent people, the case should be submitted to the high court for review, his peremptory reply was that there could be no doubt

⁵⁰ As reported in the *Manchester Guardian Weekly*, 23 Aug., 1929. Subsequently M. Baby was tried before the *Conseil supérieur de l'Instruction publique* and ordered restored to duty at his new post at Paris.

on the matter, so why bother the Council of State with the case? ⁵¹ Here, of course, a humble "school marm" had dared publicly espouse a practice upon which, though widely resorted to by the good French *bourgeoisie*, an official national taboo had been set by the patriotic "repopulation-ists."

Pacifism is another topic which a French government employee may seldom publicly advocate with impunity—certainly not if and when a strong nationalist coalition is in power. A lowly *instituteur*, *père de famille*, was transferred from his native town to an obscure post for having denounced war and "the chauvinist policies menacing the Republic" while delivering an address at the foot of a monument erected to commemorate war dead. This transfer, be it noted, was ordered in spite of the fact that the parents of the teacher's pupils had voluntarily written to the authorities in his defense.⁵² In another instance a prefect asked the departmental council to dismiss a teacher for refusing to conduct on the anniversary of the Armistice a lesson appropriate to its celebration, although the council, thinking this penalty too severe, contented itself with formally censuring the defendant.⁵³ This and similar cases provoked the League for the Rights of Man to beg the Minister of Public Instruction to stop persecuting "pacifist" *instituteurs* in the light of the Minister's own advocacy of the League of Nations! Two years later, however, a woman employee at Algiers suffered suspension merely for having made certain "defeatist" utterances concerning the Moroccan war then in progress.⁵⁴

The attempts of French teachers begun in 1923 to drive from the schools bellicose text books have met with repeated disciplinary hostility on the part of the authorities. Several of the indomitable leaders in this long up-hill struggle have

⁵¹ *Les Cahiers*, 20 March, 1924.

⁵² *Ibid.*, 25 Feb., 1924. Ultimately, after the League's intervention, the transfer was revoked.

⁵³ *Ibid.*, 10 June, 1924.

⁵⁴ *Ibid.*, 25 Oct., 1926. Upon re-investigation, she was restored to duty.

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 307

felt its lash.⁵⁵ Such headway as could be made after the liberal revival of 1924 was due to the closely knit professional organization of teachers, together with the dogged persistence and skilful maneuvering of a handful of zealous younger officers who simultaneously took the lead in attacking the problem internationally by setting up a *European* teachers' federation.⁵⁶

On almost equally dangerous ground do civil servants dare to challenge publicly the wisdom of policies proposed or enacted by high executive officials. While the examples of official punishment for this sort of extra-official behavior are, it is true, less numerous than for the categories mentioned above, the author of a critical commentary on official policy never knows but what he may be singled out for a show of peremptory authority. French departmental regulations are peculiarly lacking in any attempt to define substantively how far an employee may go in criticizing not merely legislative policies in general, but administrative orders affecting his own department. If one may judge such hearsay and occasional practice as a foreign investigator can discover, public criticism of official policy, provided it is founded on fact and is not libellous in character, seems to be allowed as a matter of course in certain administrative jurisdictions. But in others, particularly the Ministries of Foreign Affairs and Public Instruction, repression *ex post facto* is not infrequently resorted to. The ramifications of the latter may be illustrated by

⁵⁵ One example among scores: An *instituteur* was censured for an article in his syndicalist *Bulletin* criticizing certain history books and demanding that they be stricken from the approved list on the ground of inadequate documentation and militaristic bias. As a matter of fact, it developed that the teacher in question had not even written the article. Cf. *Les Cahiers*, 25 July, 1923.

⁵⁶ The procedure by which school text books are selected is complicated. In each territorial *département*, a list is drawn up by a series of committees on which the teachers are represented. Additions to or eliminations from this list must be approved by the *recteur*, or, if he disapproves, by the Minister after consultation with the permanent committee of the *Conseil supérieur de l'Instruction publique*. The list is usually so long that the individual teacher has considerable latitude in choosing the books for his own classes.

reference to certain specific cases that have arisen in recent years.

In 1924 a customs agent at Marseilles sent to the Premier in the name of the local section of League for the Rights of Man a moderately toned appeal for clemency for M. Marty and certain other communist leaders then charged with carrying on "subversive" Bolshevik propaganda. In spite of the admitted fact that the author of the document had been an excellent employee, and, apparently still in robust health, had received a medal for saving a comrade's life, he was brusquely retired at the age of fifty-two. The only accusation made against him in official quarters charged that he was "a Bolshevik" and that he had been absent from duty an excessive number of days, all of which was proved false. But the Director of Customs had a special grievance against the League because of its resolution condemning President Millerand's notoriously partisan speech at Evreux. A subaltern employee's exercise of a citizen's right of petition offered an easy outlet for *Monsieur le Directeur's* resentment! After the general elections which brought Herriot into power, the offending customs agent won his re-instatement. The sequel speaks for itself.⁵⁷

Millerand's disastrous presidential policies gave rise to a still more striking instance of administrative punishment. First while speaking in a teachers' convention and later by an article published in the *Revue de l'Enseignement primaire*, M. Glay, the head of the *Fédération nationale des Instituteurs*, charged Millerand with being motivated by narrow partisanship. The *conseil départemental* which considered the matter voted 19 to 1 against censuring Glay and 20 to 9 for the principle that an *instituteur's* civic right of freedom of speech should in no wise be limited. The Director of Primary Instruction then intervened and inflicted formal censure on the ground that Glay's action could not help being prejudicial to his professional duties; for how, it was asked, could a teacher expect to instil "respect for authority" in his pupils

⁵⁷ *Les Cahiers*, 25 April and 10 June, 1924.

after calling the President of the Republic "a partisan politician?"⁵⁸ Yet, in less than six months, the latter was ignominiously to be forced by Parliament to vacate the Elysée for having abandoned the constitutional neutrality of his office.

More drastic was the peremptory action taken a year earlier against a distinguished linguist in charge of the Bulgarian section of the Press Division of the Foreign Office. This was a case of dismissal without a hearing or written explanation of the reasons. The discharged official had published in the Paris press certain articles criticizing rather severely the foreign policy of the Poincaré government. Though Foreign Minister himself, Poincaré claimed to know nothing of the case prior to the dismissal. After a vigorous protest, the offending official was reluctantly re-instated with the intimation that a resumption of his public condemnation of the Government's foreign policy might cost him his position.⁵⁹

This episode is in harmony with the intolerant attitude taken by another Poincaré Government five years later in pointedly calling to the attention of the Council of the Legion of Honor an officer of the Legion "guilty of having contributed an anti-French article to an American periodical."⁶⁰ The officer in question was none other than M. Georges Demartial, formerly a high permanent official of the Ministry of Colonies, who had the year before published a remarkable book attacking the then-orthodox view of responsibility for the World War.⁶¹ This book exposed the official French Yellow Book of 1914 by proving numerous dispatches contained therein to have been falsified or completely fabricated in Paris. One surmises without difficulty what would probably have be-

⁵⁸ *Ibid.*, same issues.

⁵⁹ *Ibid.*, 10 Jan., 1923. After his dismissal, his place had at once been given to a Czarist Russian whose knowledge of Bulgarian was decidedly imperfect.

⁶⁰ As reported in the *Manchester Guardian Weekly*, 6 Jan., 1928.

⁶¹ Entitled: *L'Evangile du Quai d'Orsay*.

fallen M. Demartial had his damaging indictment of French pre-war diplomacy appeared while he was still on the pay roll of the Colonial Office. *Les Dieux du nationalisme ont soif!*

The degree to which subordinate officials should be permitted to publish criticisms of the policies and procedures of their own departments is a delicate matter to determine, especially in a system of control where responsibility is politically concentrated in the minister. In France the tendency of those higher up is to regard adverse commentaries by subordinates not only as subversive of departmental discipline and solidarity, but as conflicting with the hierarchical principle of control. Here and there, as in the P. T. T., the utmost discretion appears to be permitted.⁶² In certain ministries like the Treasury, departmental orders prescribe submission of all articles on departmental policy to the minister (or director-general) for his approval before publication; more frequently, there are no set rules at all on the matter, with the tacit understanding that whatever an employee may say about the work of his department in the public prints must be discreet, temperate, non-partisan, designed neither to reveal the course of official action prematurely nor to embarrass the administration unduly, and certainly not be motivated by the desire for personal gain.

That such an unregulated situation is conducive to occasional abuses and tensions need not be surprising if it be remembered that perhaps as many as one out of twenty upper-grade officials in the French civil service make a regular practice of writing books or articles for outside publication.⁶³ In addition to the lay press and periodicals, an amazing number of syndicalist journals serve as media for the expression of "fonctionnairist" opinion.

Two cases will suffice to exemplify the difficulties of harmonizing employee criticism with official authority. These

⁶² From the P. T. T. the reply to my query on this point was a categorical affirmative.

⁶³ Such was the estimate ventured to me by a high Treasury official.

cases both concern a *rédacteur* in the central offices of the Ministry of Public Instruction. His first offense, occurring in 1923, was to publish in *L'Oeuvre* of Paris an article showing the alarming decline of candidates for administrative posts in the Ministry and the critical economic predicament of its employees. Contending that the article intimated that such conditions were peculiar to the Department of Public Instruction, and that it was tendential and lacking in tact, the Minister upheld the formal reprimand imposed upon the author by the disciplinary tribunal having jurisdiction over the case. This action moved the League for the Rights of Man to remark that since the Minister had recognized, in part at least, the validity of the charges, the fonctionnaire who wrote the article had performed a social duty in exposing the situation to the public.⁶⁴

Several years later the same official suffered a reduction in salary for his alleged authorship of an anonymous article in a Paris newspaper caustically commenting on the bizarre manner in which an official fund to aid deserving writers and artists was being allocated by the Ministry.⁶⁵ This article contended that instead of being distributed to savants of national distinction, the fund had been surreptitiously doled out to second-rate persons most of whom, significantly, had held governmental posts. When this revelation produced what was little short of a sensation in political circles, the suspected author, by rank a senior clerk, was immediately subjected to a veritable inquisition by a disciplinary council consisting almost exclusively of divisional directors. Upon his persistent refusal to swear either that he was not the author of the offending article or that he had not "inspired" it, the council convicted him, at the same time strongly intimating that either a categorical denial of authorship or an admission that the sources of information had come from another de-

⁶⁴ *Les Cahiers*, 25 Dec., 1923 and 10 Feb., 1924.

⁶⁵ The article bore the following picturesque title: "*Les Aumones de Marianne: Comment la République encourage les Lettres et les Arts.*"

partment would suffice to insure his acquittal.⁶⁶ Within two months of this extraordinary judgment, another man not only confessed that he had written the article, but avowed that he had neither seen nor received any information from the convicted official.⁶⁷ In a personal letter to the latter, the Minister finally promised to institute a new inquiry.⁶⁸

Two significant inferences emerge from cases like the foregoing: first, that it is easy to "load" a disciplinary council against an employee and convict him without an adequate judicial investigation of the facts in the case; and second, that a subordinate official may often perform a real public service in exposing the facts bearing upon an embarrassing administrative situation or dubious practices. For in neither of the instances here cited did the department deny the factual content of the exposes.

D. THE STRIKE AS A WEAPON OF STAFF DEFENSE

Implicit in the movement to "unionize" the French civil service in conformance with syndicalist doctrines has been the claim that a concerted refusal to work may properly be resorted to as a weapon in defense of employee interests when persuasive methods fail. The strike, indeed, lies at the very core of the orthodox syndicalist program of action. First organ-

⁶⁶ Cf. the defendant's convincing version of the case in *La Tribune du Fonctionnaire*, 4 Aug., 1928.

⁶⁷ *Ibid.*, 8 Sept., 1928.

⁶⁸ Six years earlier a somewhat similar case involved a personage no less than the Dean of the Faculty of Letters of the University of Paris. For having dared publicly to criticize certain aspects of the then Minister's educational policies, the venerable Dean received from the latter a peremptory demand for an explanation. This was refused on the high ground that every educator had the right to discuss educational questions without having to furnish justification either before or after. Not daring to bring the head of the Paris Faculty of Letters before a disciplinary tribunal, the Minister was forced to confine his action to asking the Dean to refrain from making similar criticisms in the future. But the latter defiantly refused to bind himself in any way. A dean could force the Minister to take his lesson, but it is not so easy for a humble subaltern to emerge victorious from a bout with ministerial authority. Cf. *La Tribune du Fonctionnaire*, 1 March, 1922.

izational solidarity; then, sabotage; finally, the general strike—these were the original sanctions proposed by Sorel and his school for the revolutionary overthrow of the capitalist order.

Until 1864 the French penal code categorically forbade all forms and degrees of labor strikes and coalitions.⁶⁹ In the latter year a law was passed removing all criminal taint from coalitions of workers unless violence or fraud accompanied them. The last obstacles to strikes and lockouts, thus made legally possible for industrial workers, were eliminated by the association laws of 1884 and 1901.

But articles 123 to 126 of the penal code applying specifically to "coalitions of fonctionnaires against the laws" have remained intact. While the provisions of these articles are, as M. Duguit admits, somewhat obscure as regards the sanctions for their violation, the following clause would seem partially to cover the situation: "All public fonctionnaires who deliberately and collectively resign with a view to preventing or suspending the administration of justice or the operation of any other service will be guilty of forfeiture and punished by civic degradation."⁷⁰

While strikes in the public services, therefore, lack legal authorization in France, there is now no law, nor has there ever been any law, explicitly forbidding the right of State employees to strike. For most of the syndicalist leaders it is not a question of law at all, but a question of fact which need have nothing to do with the legislation relating to the general right of association.⁷¹ Among French publicists two opposing views have developed regarding the issue: The one is that since the strike is a natural consequence of the right to organize, it is futile to prohibit strikes by law; instead, there should be legislation to facilitate the settlement of disputes

⁶⁹ Arts. 414-416 inclusive.

⁷⁰ Cf. his *Traité*, vol. III, pp. 212-217, for an illuminating analysis of the legal aspects of strikes in the civil service.

⁷¹ "As for the strike," remarked M. Laurent, secretary-general of the *Fédération des Fonctionnaires*, "the syndicats do not demand, but merely affirm the right to strike when their situation becomes intolerable." (Interview, 9 April, 1927.)

arising between employer and employees. The other view holds that the strike should be formally forbidden to fonctionnaires as incompatible with the notion of a *public* service and its uninterrupted maintenance. This second position is taken by nearly all the leading writers on French public law. Duguit, Hauriou, and Berthélemy, in particular, agree that the relationship of civil servants to State is not contractual, but an act essentially unilateral in character, an "objective situation governed by the rules and regulations of the service concerned."⁷² The right to organize, M. Jèze contends, does not imply the right to strike.⁷³ Nor is it here material whether the form of staff organization be labelled *association* or *syndicat*.

From time to time during the last generation efforts have been made to pass a law formally forbidding strikes by certain, or all, classes of government employees and establishing vigorous sanctions for its violation. In 1895 a bill introduced into the Senate by the then Minister of Justice prohibited "coalitions for the purpose of suspending work in the public services and railways." Modified to apply only to services indispensable to the life of the State, it passed the upper house the following year, only to fall by the wayside in the Chamber. The proposed *statut* of 1909 contained a similar prohibition and prescribed further that, in the event of a concerted cessation of work, disciplinary measures should be pronounced directly by the minister. Again after the war, the abortive *statut* of 1920 provided that the officers of groups guilty of having provoked their members to strike "would be liable to a fine of 10,000 to 15,000 francs and an imprisonment of six days to two years, without prejudice to the dissolution of the

⁷² Cf. Duguit, *Traité, op. cit.*; Hauriou, *Précis*, p. 598 ff.; and Berthélemy, *Traité* (12th ed.), pp. 63-64. Even though a staunch believer in syndicalist principles, M. Chardon (*Le Pouvoir administratif*, pp. 46-49) is equally categorical in refusing to admit the justification of striking under any conditions: "the continuity and regularity of the public service are a fundamental obligation of the nation and therefore of all its agents towards its citizens."

⁷³ As quoted in Jourdanne, *op. cit.*, p. 137.

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 315

group or union concerned which could always be ordered."⁷⁴ The professional group (or groups) involved were to be civilly responsible for the payment of the fines. None of these proposals reached the statute books.⁷⁵

The Council of State, however, has in numerous cases decided that in the event of a strike, all disciplinary guarantees established by statute or departmental regulations become automatically suspended. In providing, for example, for the *communication du dossier*, the legislator did not, in the eyes of the court, intend to include the strike among the charges justifying the employee's right to examine his *dossier*.⁷⁶ Thus it has become common for department heads to impose peremptory suspension or dismissal upon employees having instigated or participated in strikes.

While the present writer makes no pretense at having compiled exhaustive statistics on strikes in the French civil service, it may be asserted that attempted strikes have mostly been restricted in scope and of brief duration. The first resort to the strike occurred among workers in the State manufacturing plants shortly after the advent of the syndicalist form of organization. These attempts proved abortive. More serious was the strike of State arsenal workers in 1904, provoking at the outset (1) a ministerial threat to consider all employees not back at work by a specified day as having resigned, and (2) the dismissal of the most culpable employees, but resulting eventually in the concession of the eight-hour day. Before this agitation subsided it looked as if there might be a general strike.

The period from 1905 to 1910 was marked by intense strike agitation. In addition to successive local strikes among work-

⁷⁴ Art. 24. Against striking employees disciplinary penalties of whatever degree might be invoked by the department head without recourse to a disciplinary council (art. 11).

⁷⁵ It goes without saying that neither of the two syndicalist-inspired bills of 1925 and 1928 contain any mention of the strike question. Cf. Chap. XV for a discussion of these measures.

⁷⁶ Cf. its *arrêt* of 7 Aug., 1909, as discussed in D'Hugues, *op. cit.*, pp. 149-166.

ers in the arsenals, the tobacco and match monopolies, and the mint, the grievances of the postal personnel gradually culminated in an open and general revolt in the spring of 1909. Officially, these grievances centered around certain secret instructions given by the under-secretary relative to the granting of salary increases to his personnel. The tension between him and the *Association Générale des Postes* reached the breaking point because he refused to listen to their delegates and was alleged to have insulted certain women employees. Turbulent crowds of postmen hissed their "insupportable" chief in the street, loudly demanding his resignation. The central offices of the Ministry on the Rue de Grenelle were stormed by the infuriated employees. When the Government discharged seven of the ringleaders, the thread snapped. On March 16th most of the postal employees in Paris refused to go on duty. Large numbers of their comrades in the telephone administration struck in sympathy. Paris found itself temporarily deprived of communication with the rest of the world. Two days later the stoppage of service was almost complete. It remained so for over a week. After being upheld by a strong vote of confidence in the Chamber, the Clemenceau Government negotiated peace with the striking workers, but before resuming work they placarded Paris with the announcement that they would no longer recognize M. Simyan (the obnoxious under-secretary) as their chief.

When it was apparent that the latter intended to retain his post and the Government announced that disciplinary action would be taken against the instigators of the placard and accompanying "anti-patriotic" demonstrations, agitation broke out anew. A succession of turbulent mass meetings, in which distinguished deputies and judges of radical sympathies participated, were held with a view to solidifying the ranks of the postal, railway, and industrial workers. Steps were taken to transform the *association* of postal employees into a *syndicat*. The Government prepared for what it feared might be a prolonged struggle to tie up all communications. Auto-

EMPLOYEE BEHAVIOR AND ITS SANCTIONS 317

mobiles and carrier pigeons were mobilized. On 12 May the second strike began in Paris and soon spread to Lyons, Nancy, Bordeaux, the Havre, and other provincial centers. But interruption of service was confined to the postoffice, the telegraphic and telephonic personnel refraining from joining their postal comrades.⁷⁷ Despite an impassioned appeal from C. G. T. headquarters for a "general strike," the rank and file of French labor remained indifferent. Little by little defections occurred among the postmen themselves. The Government put on a bold front and proceeded to dismiss hundreds of their leaders. By 21 May, after ten days of tumult, the strike collapsed with the postmen claiming victory in the first attack, but admitting the loss of the second.

These two outbreaks mark the high tide of agitation for the strike in the public services. The strike of the railway employees the following year (1910) was more of an industrial struggle over wages than a political conflict. While the locus of action was, it is true, a public transportation service, few of the workers on the single railway system operated by the State could be induced by the militant syndicalist leaders to participate in a collective refusal to work. Public opinion was by then so alarmed over the revolutionary implications of the struggle that it strongly sustained M. Briand's bold order for the military mobilization of railway employees in order to thwart the objectives of the strike.⁷⁸

As result of the conservative trend in syndicalist tactics since the World War, emphasis upon the strike as an instrument of combat has tended to diminish in civil service circles. Notwithstanding the acute economic predicament through which all classes of State employees have passed, there has been no concerted effort to enforce salary readjustments by disrupting the operation of vital public services. This is not

⁷⁷ One trustworthy account states, however, that certain telegraph and telephone lines in the provinces were sabotaged by the workers. Harmignie, *op. cit.*, pp. 3-10.

⁷⁸ Parliament, however, did intervene to secure wage increases for the workers.

to say that numerous local or special groups have not upon occasion stopped work for several hours, or, at most, a few days; but these sporadic outbreaks have usually been for the purpose of lodging a temporary dramatic protest against certain minor grievances. Such, as pointed out in an earlier chapter, was the refusal of the secondary school teachers in 1927 to serve on examination boards.⁷⁹ Similar, also, was the protest lodged by the *instituteurs* two years later in order to show their intense dissatisfaction in being "classified" no higher in salary status than ordinary clerks in central ministerial offices. It would hardly be proper, however, to call either of these actions a strike in the orthodox sense of the term.

Except from the ranks of communist extremists, the only serious talk of striking heard in recent years has been confined to the subordinate employees of the P. T. T. and revenue-collecting services. Here conditions have at times been so demoralizing that "direct action" has temporarily been resorted to. Thus in September, 1925, the Paris telegraphers and telephone operators staged a "protest" strike for two hours because the Government had failed to keep its promise to raise salaries. Again, in 1929, the Paris postmen suspended work for twenty-four hours to demonstrate their vehement disapproval of a government tax of twenty-four francs levied against their meagre salaries.⁸⁰ Similarly, the leading national organization of customs agents was, according to a statement made by its secretary to the writer, considering launching a

⁷⁹ The examination strike of June, 1927, deeply agitated the Parisian conservative press. Here was one of the most conservative, traditionalistic of all groups of *fonctionnaires* resorting for the first time to the hated weapon of the *syndicalists*. The causes of the action were twofold: (1) the failure of the Government to keep promises repeatedly made since 1913 to revise salaries upward and (2) arrears in pay for serving on the examination juries a year earlier. As the secretary of the teachers' association expressed it, this was "*une grève pour travailler*"! By not sitting on the examination boards the teachers carried on their regular work.

⁸⁰ *New York Times*, 6 June, 1929. It was reported that sanctions were taken against 191 P. T. T. employees.

strike in 1927 if the salary situation of its members had not improved.

In reading the reports of the annual meetings of staff associations held since the war, one is struck by the restrained tone in which the strike issue is usually treated. One example among many may be cited as typical of this moderation—an editorial in *La Tribune du Fonctionnaire* on the 1929 postmen's strike.⁸¹ Although upholding the principle of the strike as a weapon of last resort, this editorial refrained from openly approving the course of action taken by the postmen, and devoted its attention mainly to showing how a more adroit handling of salary revision by the Government would not have given rise to a desire to try desperate remedies of dubious efficacy. This article concluded with the note that the ideal of administrative syndicalism must always be the efficient and uninterrupted operation of all the public services.⁸²

As far as the dissident communist groups are concerned, it may be said that they constitute too small a minority of the total personnel of any service to be in a position to consider effectively using the strike in any immediate program of action. Their doctrinal harangues, of course, are replete with eloquent references to the "glorious potentialities" of "a solid front" (*un front unique*), meaning by that united action with the militant battalions of workers in every trade and profession when the day comes to seize power. Obviously, in their eyes, a general strike unflinchingly sustained by *toute la force ouvrière* (including the police and the military) will be a sure means of bringing the bourgeois State to submission.

For the time being, however, these vociferous adherents of the Third International, whether on the payroll of the government or of private industry, are concerned rather (1) with embarrassing at every possible turn the more moderate labor groups typified by the C. G. T., the *Fédération des Fonction-*

⁸¹ Issue of 8 June, 1929.

⁸² Nonetheless, the Bureau of the Federation voted a protest against the disciplinary measures imposed upon the striking employees,

naires, and the *Fédération de l'Enseignement*, and (2) with spasmodic attempts at sabotage. There is little doubt that certain communist nuclei in the P. T. T. and revenue services were guilty of the latter practice during 1926 and 1927. The congress of the communist organization of indirect tax collectors held that year went so far as to vote overwhelmingly to "diminish their productivity" if the "obnoxious" decisions of the Martin Commission regarding salary revision were maintained.⁸³

* * * * *

In summarizing the foregoing analysis of the problem of staff discipline and civic rights, it may be said that the crux of the difficulty seems to have been the absence of a broad *substantive* code of ethics for public officials.⁸⁴ In France chief emphasis has been placed upon the erection of fair judicial procedures. In large measure, though not completely, these procedures now operate in the larger personnel units. But the distinction between what is proper and what is improper behavior, whether official or non-official, is still confused. There is no adequate delimitation of offenses. The reconciliation of civic and political activity outside working hours with efficiency and impartiality while on duty remains as yet only partially worked out. In some respects, French civil servants enjoy "the extreme of liberty"; in others, they frequently find themselves the victims of petty official persecution. The adoption of a set of reasonable rules of conduct, elaborated jointly by staff and officialdom, would undoubtedly reduce friction and instil greater loyalty to and interest in the service of administration.

At the same time, formal codes of ethics and disciplinary tribunals are no substitute for high honor and rugged integ-

⁸³ Quoted in *L'Humanite*, 11 June, 1927. Further evidence is found in the dismissal of M. Piquemal, the secretary of the *Syndicat des Contributions Indirectes*, for having issued to its constituent units a circular on "the eventuality, possibilities, and consequences of a *grève de rendement*." Cf. *La Tribune du Fonctionnaires*, 12 June, 1926.

⁸⁴ As exists, for example, in the German civil service. Cf. *Finer, op. cit., Public Admin.*, Oct., 1929.

rity in the character of the individual public servant. It is mainly from these personal qualities that wholesome standards of conduct emanate. If material conditions allowed a return to the proud traditions of a half century ago, the French fonctionnaire would doubtless again stand second to none in devotion to the public weal. Administrative statesmanship of the highest order will be necessary to remould the complex twentieth century setting to this end.

CHAPTER XI

DEPARTMENTAL STUDIES OF PERSONNEL MANAGEMENT

The efficacy of methods of managing personnel in a many-sided public service can best be judged by evaluating their application in its component units. Case studies of specific departments and services will help to set the personnel practices of each in their proper perspective. As these studies progress, two major criteria should constantly be kept in mind: (1) How have departmental policies worked in terms of satisfying legitimate staff aspirations? (2) How effective have they been in securing for the department the best available talent for the administration of its multifarious activities at each level?

For these special appraisals the following six departments were selected:

Foreign Affairs	(1,600 employees)
Public Works	(18,000 employees)
Justice	(6,000 employees)
Finance	(90,000 employees)
P. T. T.	(150,000 employees)
Public Instruction	(150,000 employees)

The first three comprise small, highly trained corps of officials performing politico-administrative, technical, and professional operations respectively. The next two (Finance and P. T. T.) are large-scale organizations, with thousands of subaltern employees performing routinized operations in the field, an extensive inspectorate, and a complex headquarters set-up—the one service being engaged mainly in collecting and spending public revenues and the other in selling communication serv-

ices to the general public. The last of the six differs from all of the others in that it operates exclusively with professional staffs and in the socio-cultural domain. Dealing with such a wide variety in organization and function, we can range over virtually the entire gamut of problems affecting the movement and control of staff personnel—initial assignment, selection for salary increases and promotion in rank, territorial dispersion and supervision, transfer inside a field establishment, as well as between the latter and central offices, and the influence of politics upon competitive appointments to and the tenure of high administrative posts.¹

A. MINISTRY OF FOREIGN AFFAIRS

For all except subaltern clerical and custodial employees, this ministry is organized, so far as the assignment and promotion of personnel is concerned, as a single establishment.² The administrative and professional grades of the Foreign Office and the foreign service are completely amalgamated. At the Quai d'Orsay the heads of the several divisions composing the ministry constitute a promotion board, called *conseil d'avancement*, which, after consultation with the corps of field inspectors of diplomatic and consular posts, prepares for each grade an annual promotion list containing twice as many names as the number of vacancies likely to occur during the ensuing year.³ This council determines the order in which the

¹ On the last point the Ministry of the Interior probably better exemplifies the negative side, but otherwise offering comparatively little interest, it was omitted in favor of the Ministry of Justice.

² The following grades are recruited separately from the Foreign Office: geographers, librarians, archivists, translators, code experts, accountants, and routine clerks.

³ In 1927 the Foreign Office was administratively divided into the following principal units: (1) Ministers' secretariat, (2) protocol, (3) personnel, (4) political and commercial affairs, (5) administrative and technical affairs, (6) archives, (7) accounting, and (8) *matériel*. Since 1928 (4) and (5) have constituted a single division; likewise (6) and (7). The chief territorial sub-divisions are (a) Europe, (b) Asia and Oceania, (c) Africa and the Near East, and (d) America; the functional sub-divisions handle (a) the League of Nations, (b) com-

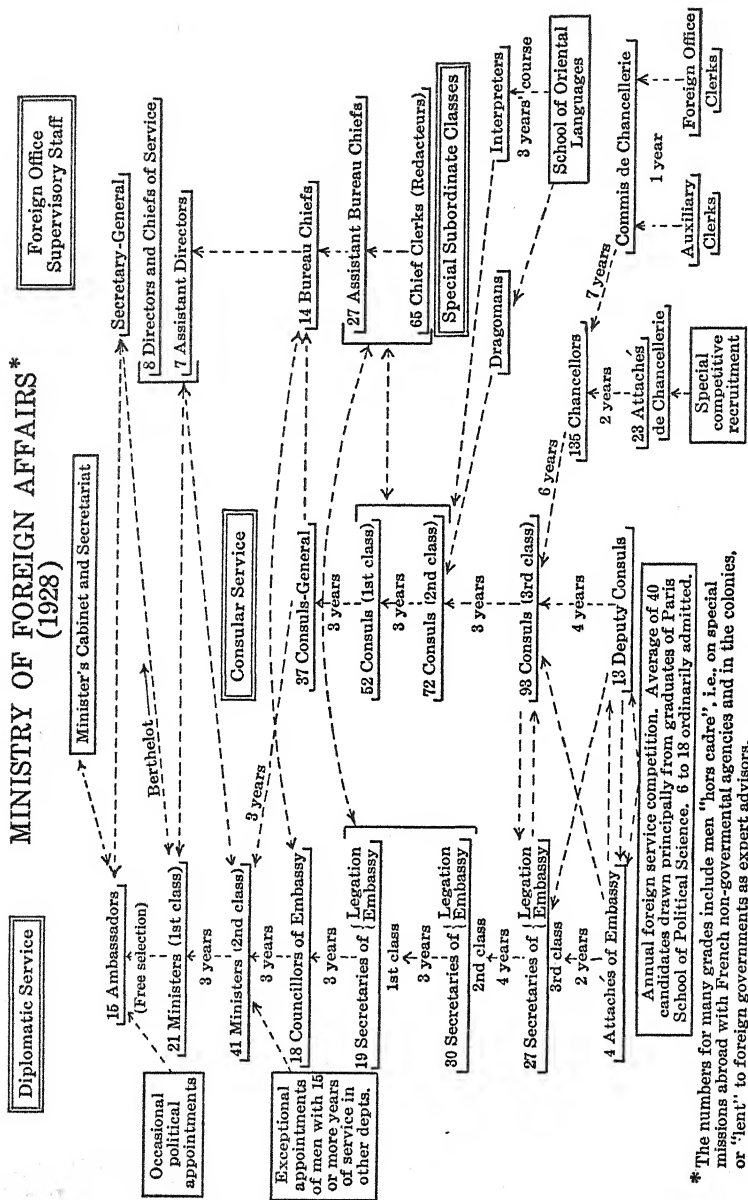
names are placed on these lists "strictly according to merit." Up to the rank of ambassador no member of the foreign service is eligible for promotion in grade (1) until he has served a prescribed minimum period in each successive grade and (2) unless his name secures recognition on a promotion list.

For salary advances not involving promotion in rank, conformance to a definite schedule is required, namely, at least two years' service at each salary level, except in the case of assistant directors and directors in the Foreign Office itself, who may receive increases annually. Theoretically, salary increases are supposed to be distributed one-half by seniority, one-half by special selection, though the tendency is to satisfy the claims of the former at the expense of the latter. The result is a system of quasi-automatic salary increases by increments varying from one to several thousand francs.

The accompanying diagram, constructed from information obtained from the *Annuaire diplomatique et consulaire* for 1928, departmental orders, and personal interviews, is designed to indicate paths and expectancy of promotion in grade and staff interchangeability, both in the diplomatic and the consular service and at the Quai d'Orsay. The arrows show the direction along which personnel may move—from entrance to appointment to the highest grade for which each category is qualified. Wherever, in the foreign service, a specified number of years is indicated adjacent to an arrow, it means the minimum period which must normally be spent in the lower grade before one is eligible to be placed on a promotion list for the immediately superior one. If, for instance, a young cadet should choose to make his career in the diplomatic branch of the foreign service, he could, at the normal maximum rate of promotion, become a minister plenipotentiary (1st class)

mercial relations, (c) French culture abroad, and (d) aliens and international unions. In strict legal parlance, the annual promotion list is prepared by the Foreign Minister as advised by the board and the inspectorate, the latter consisting of two to four especially designated foreign service officers. A forthcoming study of French foreign policy by Frederick L. Schuman of the University of Chicago contains an excellent chapter on the organization of the Ministry of Foreign Affairs.

MINISTRY OF FOREIGN AFFAIRS* (1928)



in eighteen years; or by selecting the consular branch, he could conceivably reach a consul-generalship in thirteen years.

In cases of exceptional brilliance, however, it is provided that under certain conditions the time-intervals between three of these hurdles may be materially reduced.⁴ Thus one vacancy in six in the grade of counsellor of embassy may, in the discretion of the promotion board, be filled by promotion from men who have served only one year as secretaries of embassy (1st class), provided they have satisfactorily acted as *chef de poste* in a legation or consulate-general, or as head of a central service at Paris, and have been stationed at least four years outside of Europe. Under similar conditions one out of ten vacancies for consul-general may be filled by consuls (1st class) who have only one year of seniority in the latter grade. In the same ratio of one to ten, men with but one year's service either as councillor of embassy or as consul-general—as well as administrative officers with at least fifteen years' service in other government departments—may be appointed to the rank of minister plenipotentiary (2nd class).

The post of ambassador, to which is now attached the highest salary paid in the French civil service, is technically regarded by French authorities not as a grade, but as a "political function." Hence, in filling it, the Minister is free to select whomsoever he pleases, whether diplomats, politicians, or distinguished private citizens, career men or otherwise. So strong, however, is the permanent-career tradition in the Foreign Office, that, as a rule, ambassadorial appointments go to professionals who have worked up through the diplomatic or consular hierarchy. Deputies and senators are occasionally chosen, especially after a general election has shifted political power markedly from the left to the right, or vice versa.⁵

⁴ Decree of 15 Dec., 1925.

⁵ For example, the Herriot Government in 1924 rewarded M. Jean Hennessy, a radical deputy, with the ambassadorship to Switzerland. While

Rarely are more than four or five per cent of the ministers-plenipotentiary non-career men at any one time. All of this but confirms what the lay world has long known: that the French foreign service is manned by a professionalized staff enjoying permanent tenure. Yet this fact has not precluded the gracing of important French embassies by men who, while serving a long diplomatic apprenticeship, have attained high distinction in other spheres. To mention but two examples out of many, M. Jusserand, for many years representative of his country at Washington, was a charming essayist and historian of literature, while M. Claudel, at present ambassador (1930) in the same capital, is as well known among his compatriots for his poetry as for his diplomatic attainments.

An annual service report is prepared on each member of the foreign service.⁶ For secretaries of legation, deputy consuls, interpreters, and student vice-consuls, the rating officer is the *chef de poste*; for vice-consuls in charge of posts, consuls and consuls-general, he is the head of the diplomatic mission or consular circumscription. Qualitative ratings are prepared on the following criteria:

- Professional instruction
- Exactitude in official correspondence
- Education
- Character
- Private conduct
- Relations with

{	Superiors Subordinates Foreign authorities The public
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- Special aptitude
- Special services performed during the year
(in detail)

the rank of minister, 1st or 2nd class, is the normal stepping-stone to ambassadorial posts, occasionally, as in the case of M. Claudel, consuls-general are directly advanced to them.

⁶ Cf. Appendix B, pp. 569-572, for a photostatic reproduction of the form used.

In addition to these items, the entire last page of the rating form is left free for special observations and recommendations. By the rating officers these reports are transmitted to the departmental personnel bureau at the Quai d'Orsay, where they are filed for use by the promotion board.

By reason of his strategic position, the chief personnel officer naturally constitutes the key member of this board. Unlike analogous boards in the larger ministries, it contains no representatives of subordinate personnel. The board examines the hundreds of service reports laid before it, giving as much or as little weight to them as it likes. Its decisions tend to be dominated by considerations of seniority, although that exceptions to this behavior pattern are not infrequent is indicated by the registers of personnel by grade printed in the departmental year book. According to the director of personnel at the Quai d'Orsay, promotion in the French foreign service may be said to take place normally by seniority, except in so far as glaringly mediocre or poor work is penalized by delayed advancement or transfer to a less attractive station.

The table on the opposite page compares the actual rates of promotion for men holding the five highest diplomatic and consular ranks in a given year, with the possible maximum rates indicated earlier in this chapter.⁷ In only a single case, that of a consul-general, did any of the 123 foreign service officers whose careers are here covered attain his existing grade in the minimum period of service required by departmental promotion regulations. Nevertheless, it is apparent from the range in number of years of service that the promotion of a considerable proportion of these officers was not determined wholly by seniority. In terms of age, this analysis suggests that few may expect to attain the exalted post of minister or ambassador before they have turned fifty, although consul-generals are often men in their

⁷ This table was prepared from information given in the *Annuaire diplomatique et consulaire* for 1925.

DEPARTMENTAL PERSONNEL STUDIES 329

MINISTRY OF FOREIGN AFFAIRS (1925)

GRADES	AVERAGE NO. OF YEARS IN SERVICE	VARIATION IN NO. OF YEARS	MINIMUM NO. OF YEARS REQUIRED TO REACH EACH GRADE	AVERAGE AGE AT APPOINT- MENT TO PRESENT GRADE	VARIATION IN AGES AT APPOINT- MENT TO PRESENT GRADE
12 Ambassadors (9 Career men (1 Deputy (1 Ex-Cabinet mem- ber (1 Business man	32	28-37	Not pre- scribed	54	50-61
18 Ministers (1st Class) (17 Career men	27	23-33	18	53	48-59
38 Ministers (2nd Class) (33 Career men	25	21-33	15	51	45-58
20 Councillors of em- bassy	19	17-21	12	43	40-54
35 Consuls-general ...	23	13-40	13	49	41-58

middle forties. Nor are there many ministerial or ambassadorial appointments of men over sixty.

By the foregoing "cross-section" two inferences are suggested: (1) that the bases of promotion in the Ministry of Foreign Affairs are fairly selective and flexible in their application, but (2) that the rate of promotion, on the other hand, seems to be comparatively slow. There must be not a few excellent men whose capacities for responsible work fail to secure adequate outlet in the prime of life, if ever.⁸

One minor aspect of promotion in the lower and middle strata of this ministry deserves special mention. This is the opening up of a limited number of consular vacancies to men recruited as ordinary clerks and linguistic experts. Outstanding men in these two subordinate groups are now and then singled out for advancement to the upper staff. Such oppor-

⁸ Cf., for a complaint on this score, M. Seydoux's informing article on the re-organization of the Foreign Office, in *L'Europe nouvelle*, 26 March, 1927.

tunities, of course, come more often to graduates (interpreters and dragomans) of the famous *Ecole des langues orientales* than to clerical employees because of the superior technical training of the former.⁹ Thus occasionally it happens that, as in the cases of Paul and Jules Cambon, skilled interpreters with ambition and intelligence will crown their careers as consul-general or head of an important diplomatic post.

The fact that interchangeability of personnel between corresponding grades of the diplomatic and the consular services is generally permissible greatly widens the area of promotion.¹⁰ In scanning the convenient summaries of the assignment and promotion of individual officers contained in the departmental year book, one is struck by what appears to be an almost incessant shifting of men from post to post between as well as within each of the two branches. For many men the average tenure of their assignments hardly exceeds three years throughout their careers. Furthermore, it is a well established practice to "detail" consular and diplomatic officials on special missions, e.g., with the Reparations and other international Commissions, to the colonial protectorates, to French mandated territories; to send them as delegates to the League Assembly and international conferences; to assign them to "detached service" with other ministries, notably that of commerce; and even to "lend" them to unofficial organizations for the expansion of French economic and cultural influence abroad, or to governments of so called "backward" countries, as expert advisors. In administrative parlance, such officers are carried *hors cadre* during the period of such special

⁹ As stated earlier, this school is world-renowned. Foreign governments sent junior officers to study in it. Instruction is given not only in African and Asiatic languages, but in geography, history, and colonial institutions. The school prepares many young men for careers as colonial administrators.

¹⁰ Decree of 15 Nov., 1920, as modified by the decree of 19 Aug., 1921. Yet the unification of the two services is far from complete. Unequal rates of promotion are said to incite considerable internal staff jealousy. The fusion of the political and commercial divisions of the Foreign Office in 1928 was not followed, as had often been urged, by a corresponding amalgamation of the diplomatic and consular services.

service and accredited with seniority as if they were on regular duty.

More important still is the practice of drawing in from the "field" experienced consular and diplomatic officers to fill supervisory posts in the Foreign Office. The double-arrows on the diagram on page 325 indicate the equivalence of foreign service ranks with administrative grades at the Quai d'Orsay. At some time or other during their careers most ministers and the majority of ambassadors are attached to the Foreign Office either as assistant or full director of a division or administrative service.¹¹ In fact, many foreign service officers hold successively different assignments at the Quai d'Orsay. In 1925, for example, only two out of seven heads of Foreign Office divisions and bureaus were without experience abroad.¹² The previous careers of some of these officials, as summarized in the table on page 332, disclose another tendency: the assignment of promising young foreign service officers to the Quai d'Orsay rather early in their careers and keeping them there indefinitely.¹³ While such service is sometimes rewarded by appointment to a coveted ambassadorial post—at Rome or Berlin or Washington—it frequently terminates only when the incumbents reach the retiring age.¹⁴

From the promotional standpoint there is an apparent advantage in having held an important assignment in the Foreign Office. The reason for this will at once be obvious. Not only does one become personally acquainted with the key officials who control selection for promotion, but he is, or has been, close at hand to manœuvre in his own behalf.

¹¹ In 1925, for instance, six of the nine career men of ambassadorial rank and all of the ministers 1st class had served in the Foreign Office.

¹² In this regard, the minister's personal cabinet and secretariat stands apart; its head is often chosen for other considerations than breadth of experience.

¹³ Data drawn from the *Annuaire* (1925).

¹⁴ M. Daeschner, the French Ambassador at Washington 1925-27, had previously served as Director of Political and Commercial Affairs at the Quai L'Orsay.

FOREIGN OFFICE (1925)

DIRECTORS AND CHIEFS OF SERVICE	AGE AT APPOINT- MENT	YEAR AP- POINTED	PRINCIPAL PREVIOUS POSTS
<i>Protocol</i> (Minister 1st Class)	52	1920	Non-career man; asst. bu- reau chief 1907; minister, 2nd class 1920; minister 1st class, 1924.
<i>Personnel</i> (Consul-general) ...	49	1922	Interpreter, 1904, consul 2nd class, 1910; 1st class, 1916; consul-general, 1920.
<i>Political and Commer- cial Affairs</i> (Minister 1st Class)		1924	Attaché of embassy, sec- retary (3rd, 2nd, 1st class) 1897-1912; rédac- teur, bureau chief, asst. director and director at For. Office since 1913; minister 2nd class, 1919, 1st class, 1923.
<i>Administrative and Technical Affairs</i> (Minister 1st Class)	55	1924	Deputy consul, 1897; con- sul 2nd, 1st class, 1900- 1911; rédacteur, 1907; con- sul general, 1911; bureau chief, 1914; asst. director, 1917; minister 2nd class, 1919; 1st class, 1924.
<i>Archives</i> (Minister 1st Class)	59	1924	Archivist - paleographer; chancellor 1893; consul 2nd class, 1901; secretary of embassy, 1901; bureau chief, 1902; secretary 1st class, 1912; minister 2nd class, 1919; 1st class, 1922.
<i>Accounting</i> (Minister 1st Class)	55	1920	Secretary of embassy, 3rd class, 1892; 2nd class, 1897; 1st class, 1904; rédacteur 1907; bureau chief at Tunis, 1912; min- ister, 2nd class, 1913; 1st class 1921.
<i>Internal Administration and Material</i> (Ex-prefect)	50	1921	Political appointee; pre- fectorial posts, 1895-1921.

Accordingly, details to Paris are much sought after. Moreover, a not inconsiderable amount of subtle personal "wire-pulling" and dickering influences assignment and transfer out

in the field.¹⁵ So greatly do foreign posts vary in attractiveness that it is only natural that men should seek relief from torrid African or South Sea climes or monotonous isolation from the cross-roads of civilization. Incidentally, the shunting of a man to an obscure undesirable post is frequently a means of mildly disciplining him for minor offenses, or "compensating" him for indifferent work.

The point at which political probably outweigh administrative considerations is, of course, in the make-up of the personal "cabinet and secretariat" of the Foreign Minister himself. Here appointments are made by the Minister with a free hand, since this staff is primarily responsible only to him. Promotion for those who carry his favor is said invariably to be rapid.¹⁶ Yet, because most of the heads of these secretarial services are chosen from the ranks of the professional foreign service, they scarcely afford an effective check upon whatever tendencies there may be toward ingrown bureaucratism. As foreign ministers come and go, so do these secretaries and cabinet attachés. When the latter leave, it is usually to fill much more lucrative and important posts in the department than they previously occupied.

A final word is in order about the position of secretary-general in the Ministry of Foreign Affairs. Although this post may be created or discontinued at the minister's will, it is tending to evolve into something approaching the British permanent secretaryship.¹⁷ The long and remarkable "reign" of M. Philippe Berthelot as secretary-general has had not a little to do with conferring a tradition of quasi-permanence upon this post. Except for two brief intervals, he has been

¹⁵ On his annual service report each officer may indicate his desires with respect to transfer.

¹⁶ Cf. *Les Cahiers*, 5 Dec., 1926, for a staff protest against the tendency to advance certain agents attached to the minister's cabinet out of turn and to the detriment of men serving in a less intimate relationship with the minister.

¹⁷ As defined by the decree of 20 Jan., 1920, which created it, the office of secretary-general "exercises under the authority and in the name of the minister the general direction of all the services of the ministry."

since 1920 the "eyes and ears" of successive political heads of the Foreign Office.¹⁸ Entering the public service in 1889 as a "student" chancellor at Lisbon, M. Berthelot acquired a rich and varied diplomatic experience interspersed with repeated assignments at the Quai d'Orsay over a period of thirty years, before his appointment as secretary-general in 1920. As few others, he came to know intimately the vicissitudes of French foreign and colonial policy not only, but the "ins and outs" of departmental politics and administration as well. In short, he developed into an invaluable personage.¹⁹ Whether, as some French observers intimate, the secretary-generalship will eventually throw off its quasi-partisan aspects, and grow into the full-fledged permanent headship of the ministry, a foreigner dare not predict; but there are significant tendencies pointing that way.

In concluding this discussion, it is also pertinent to note that the Ministry of Foreign Affairs has enjoyed less instability of political direction than any other French government department. Since the advent of the Third Republic thirty-six different men had to the end of 1929 held the portfolio of Foreign Affairs, their average tenure of office being a year and eight months. While this may seem an exceedingly rapid turnover—and it is—yet it is considerably less so than for any other executive department. During this same period the average life of French cabinets was less than a year. Thus the tenure of foreign ministers was twice as long as that of the ministry as a whole. So all-important does foreign policy seem to the French people that they tend not only to choose with exceptional care the occupants of the Quai d'Orsay, but keep them there relatively long periods. Delcassé, for instance, was able to leave a lasting imprint upon French Foreign policy at the turn of the century largely

¹⁸ Berthelot was dropped by Poincaré and Herriot but was re-installed by Briand in 1925.

¹⁹ By the regular hierarchical route Berthelot advanced to minister 1st class in 1914 and six years later received ambassadorial rank following his appointment as secretary-general.

because he remained in office for seven consecutive years through five successive cabinets. Similarly, from 1925 on, M. Briand uninterruptedly presided over the Foreign Ministry in ten cabinets (to date of writing—December, 1930), giving him a record total of thirteen different occupancies of the Quai d'Orsay. Five other foreign ministers have served in three or more cabinets.²⁰

This relative stability of political control partially explains why the Ministry of Foreign Affairs has been managed with fewer of the fits and starts so common to other ministries. A certain degree of co-operative, sustained thinking and planning by those at the head has been possible. The longer a minister stays in a department, the better he can come to know its personnel, judge their abilities, develop and carry out well-conceived administrative reforms. All of this inevitably makes for esprit de corps. If this is taken in conjunction with the payment of the foreign service on a *gold franc* basis, it is not surprising that almost alone among important French public services, the Foreign Service has been able to retain undiminished prestige since the World War.

B. MINISTRY OF PUBLIC WORKS

Turning now to a department whose activities are technical in character and affect mainly the internal development and regulation of the national economy, we find an administrative set-up not unlike that of the Ministry of Foreign Affairs. There is a relatively small headquarters staff exercising, along with a corps of inspectors, central supervision and control over a widely dispersed field establishment. So far as promotion policy is concerned, the chief appreciable difference is that the amalgamation of central and field staffs has not been carried so far in the former as in the latter department. Up to and including the grade of bureau chief, the headquarters offices of the Ministry of Public Works are

²⁰ de Freycinet, Ribot, Hanotaux, Pichon, and Poincaré.

filled principally by selection from subordinate ranks within the central bureaus. Not more than three of the six deputy-directorships may be held by engineers from the field services.²¹ It is only for the posts at the summit—four directorships and one directorate-general—that the field services, including the inspectorate, are drawn upon. These officials in charge of the department are nearly always men with many years' experience in direct contact with day-to-day engineering situations.

As in the Foreign Office, minimum periods of service in the public works department are pre-requisite for advancement both in class and in grade. The hierarchical path of promotion lying before a young engineer who has just received his appointment, moves from "ordinary" to "chief" engineer, and then on to "inspector general." By taking all the hurdles of class and grade, eight in all, at the maximum rate of speed, he can reach the coveted rank of inspector-general, 1st class, in seventeen years. But inasmuch as the number of vacancies declines sharply with each increase in rank, this rate of advancement is possible only if the promotion board disregards seniority and pushes the exceptional man ahead of his colleagues.²² Theoretically, this can happen; why it rarely ever does is explained by the presence of the same "seniority complex" which marks the promotion policy of the Ministry of Foreign Affairs.

Briefly, the process operates as follows: In each territorial district the "chief engineer" rates each member of his staff annually on a form containing four criteria for evaluation—professional instruction, special aptitudes, relations with local officials and the public, and outstanding services during the year. On the back of this form a numerical rating on the

²¹ In 1927 all were from the central hierarchy.

²² The number of positions per grade in 1927 was as follows:

ROADS AND BRIDGES	GRADE	MINES
25	Inspector-general	11
120	Chief Engineer	17
250	Ordinary engineer	43

usual French scale of twenty is made. Then the rating officer draws up a promotion list for his own staff and sends it to the inspector-general for the region. The latter official assembles the lists submitted from all the districts within his jurisdiction, entering on the report of each employee his own rating, with the reasons therefor if it differs from that of the original rating officer. As the inspector's contacts with the engineering corps in his region are frequent, his function is ostensibly to review the chief engineer's ratings, although, as a matter of fact, he seldom changes them. Finally, the regional lists, sixteen in all, are compiled in Paris into a single list for the two entire engineering corps (of "Roads and Bridges" and of "Mines" respectively) by a central committee for each corps composed of the minister, the vice-presidents of the advisory councils for the corps, an inspector-general, and the divisional directors. The number of names for each grade on the final list is limited in advance by departmental orders, as follows: for "chief engineer"—one and a half times the number of vacancies; for inspector-general (2nd class)—double the number. This means, of course, that many names must fall by the wayside each year. No one can be promoted unless his name appears on the list. Although the minister, as the legal appointing authority, may disregard the order in which the names appear, his normal course is to conform to it inasmuch as deviations always entail bothersome explanations.

By the large, the promotion procedure appears to give satisfaction from the staff point-of-view. If an "ordinary" engineer is not proposed for promotion by his chief within two or three years after he becomes eligible for it he may enter a protest, entitling him to inspect his own dossier and discover the reason therefor. The fact not only that transfers may freely take place from one division to another within the ministry, but that engineering personnel is frequently placed on "detached" service in other ministries or with local governmental authorities, has the effect of greatly broadening the area of promo-

tion.²³ Thus the entire engineering corps of the French government is "nationalized" regardless of service lines. Nevertheless, many fail to win promotion even under this flexible system and after several years leave the public service to accept attractive positions with private industrial concerns.²⁴

Compiled from data contained in the departmental year book (*Annuaire*) for 1927, the following table showing the promotion rate for the central staffs and the general inspectorate is illuminating:

MINISTRY OF PUBLIC WORKS (1927)

TRADES	AVERAGE NO. OF YEARS OF SERVICE	VARIATION IN NO. OF YEARS OF SERVICE	AVERAGE AGE AT AP- POINTMENT TO EXIST- ING RANK	VARIATION IN AGES AT APPOINT- MENT TO EXISTING RANK
<i>Central Administration</i>				
1 Director-General ... }	23	18-34	45	40-54
4 Directors }				
8 Under-Directors	24	16-26	52	48-57
28 Bureau Chiefs	16	13-22	42	38-52
29 Asst. Bureau Chiefs .	10	5-16	39	34-48
<i>General Inspectorate</i>				
19 Inspectors 1st Class..	40	35-44	60	54-65
31 Inspectors 2nd Class..	35	31-40	55	46-66

Two significant inferences may be drawn from this tabulation: first, that there is a considerable amount of selection (apart from seniority) all through the upper ranks of the department, thus indicating a relatively flexible promotion policy; and second, that men are given positions of great responsibility while still comparatively young and vigorous,

²³ The several field divisions are (1) Navigable Waters and Ports, (2) Highways and Hydro-electric Power, (3) Railways, and (4) Mines.

²⁴ Cf. Chardon, *Les Travaux publics*, pp. 80-82. When Chardon wrote in 1904 this arrangement, as he then contended, probably facilitated the excellent recruitment of a corps of trained engineers and meant that the public services were administered by the cream of the corps; but nowadays the State, as we have already seen, is finding it difficult to hold the best men for its own work.

the average age of the five divisional directors being only forty-five.

With few exceptions these directors are detailed from the corps of inspectors-general to serve a term of years in Paris, after which some resume their former functions in the field inspectorate. No phase of French personnel administration deserves greater commendation than this policy of rewarding men with brilliant records in handling concrete situations by giving them important administrative responsibilities while their vitality is still unimpaired. From one point of view, this practice tends to inject objectivity into the formulation of ministerial policy; from another, it helps to make the career of government engineer a most attractive one for men of ambition and capacity—an attractiveness which would, of course, be all the greater if salaries were higher.

Thumb-nail sketches of the careers of two high officials will illustrate the admirable elasticity of this promotion and assignment procedure:²⁵

(1) *Director of Personnel and Accounting* (1927)—a man of 56 years with an active, incisive mind, a remarkable willingness to explain in detail the inner workings of the ministry, and a cultivated yet forceful manner; entered State service at 20 (1891) after graduation from the *Ecole polytechnique* as "student" engineer; promoted to "ordinary" engineer, 1st class, at 33 (1904); to "chief" engineer, 2nd class, at 41 (1912); 1st class at 45 (1916); to inspector-general, 2nd class, at 50 (1921); 1st class at 55 (1926); appointed Director of Personnel at 54 (1925); had varied field experience in railway construction in Haute Savoie for 3 years, in highway building and maintenance in the North of France for 14 years, then in maritime construction service at Dunkirk, and as "controller" of all the tramways of Paris before becoming Director of Personnel. As to breadth of experience, this case is fairly typical of the other men then serving as directors.

²⁵ For the factual information here presented the writer is indebted to the kindness of these two officials.

(2) *Vice-President of the Council of State* (1927)—aged 74; one of the most distinguished engineering economists in all France, with a vigorous intellect and great facility of expression; began his career by training at the *Ecole polytechnique*; became "student" engineer at 22 (1875); "ordinary" engineer, 1st class, at 32 (1885); "chief" engineer, 2nd class, at 40 (1893); 1st class, at 47 (1900); inspector-general, 2nd class, at 55 (1908); 1st class, at 57 (1910); in the meantime, pursuing studies in law and economics, he was appointed to "regular" service on the Council of State, becoming "auditor," 1st class, at 24 (1879); master of requests, at 30 (1883); councillor at 44 (1897); and section president and vice-president of the entire court at 67 (1920).²⁶ This case exemplifies the not unusual situation in the French public service where technical administrative experience joins with professional training in law and economics to produce a judge admirably equipped to understand and adjudicate the intricate controversies arising out of the relations of public authorities and private citizens, especially the domain of industrial enterprise.²⁷

C. MINISTRY OF JUSTICE

The story is told of an eminent French Minister of Justice who, after a busy day receiving the deputies and senators that had besieged his office to intercede in behalf of the promotion of certain judges, sarcastically and impatiently ejaculated: "There are two kinds of magistrates: those who work and those who are promoted!"²⁸ Whether this incident actually occurred or not, it nicely illustrates the vexing difficulties involved in assigning and promoting members of the magis-

²⁶ Incidentally, the vice-president, who acts as effective head of the Council of State, ranks number one in the national administrative hierarchy.

²⁷ Significantly enough, this distinguished official remarked that, had he had three or four children, he could not have afforded to remain in government service, but would have gone into industry.

²⁸ P. Bouchardon, *Le Magistrat* (Paris, 1926), p. 87.

tracy. In part these difficulties have been political, in part they have arisen from the fact that the French judiciary, like other departmental services, is hierarchically organized, with a broad base in proportion to the number of posts at the summit.

In a magistracy selected by merit and guaranteed tenure during good behavior, the only point at which political influence and personal intrigue can effectively make themselves felt is in the conferring of the prizes of superior rank and station after initial appointment. At once, of course, the question may properly be raised: why need hierarchy be recognized at all in a small, highly professionalized corps like the magistracy? In England, for example, promotion *per se* does not exist for judges. For all judicial posts, salaries are high enough, so that most incumbents thereof are content to remain until retirement. Consequently, "the judge," recently observed a French publicist, "having nothing to fear nor anything to hope for, can consecrate himself without reservation to the ends of justice."²⁹ This same writer, however, proceeds to argue that the abolition of judicial promotion would hardly be feasible in France, not only because of the much larger number of judges and a decidedly lower scale of remuneration, but also on account of the hierarchical "prestige pattern" to which all French fonctionnaires have traditionally been accustomed. In attracting an élite, the judiciary must compete with other professions. High judicial posts, moreover, entail greater social obligations than subordinate ones, and, therefore, heavier expenditures by their occupants. To the logical, yet practical, French mind, such considerations seem unanswerable.

Throughout the nineteenth century, in fact as late as 1906, judicial appointments and promotions were left without restriction to the discretion of the Minister of Justice. It is with that period that Brieux's amusing play, *La Robe Rouge*, concerns itself. From it one obtains a vivid glimpse of the

²⁹ B. Pigé, *op. cit.*, p. 234.

incessant intrigue and subtle maneuvering resorted to by a provincial magistrate and his *amis politiques* in order that he might secure a long over-due advancement—and to the detriment of justice in his court! With pardonable exaggeration, the dramatist here lays bare one of the most demoralizing aspects of the French judicial administration of his day.

When reform finally came in 1906, it consisted merely in the institution of regular promotion lists for the judiciary without greatly diminishing political intervention or assuring to conscientious magistrates reasonably quick advancement.³⁰

The reign of favoritism and nepotism continued only slightly abated. Subsequent decrees, promulgated in 1908, along with a statutory enactment reorganizing the judiciary in 1919, were designed to remedy the situation. Thus it was provided that a *tableau d'avancement* should be drawn up each year by a central commission consisting of the president of the Court of Cassation, the procureur-général attached to this court, and four central administrative officials from the Ministry of Justice. Only those magistrates recommended by the presiding judge of each Court of Appeals for his own jurisdiction could be considered for inscription on the central promotion list. As many as one-half the total number of judges might be recommended.³¹ The final list, moreover, could contain three times as many names as the average number of vacancies during the preceding five years. Whenever a vacancy on the bench materialized, the chief judge and prosecutor of the jurisdiction concerned proposed a panel of three names from this list to file the place. While the Minister would, in the majority of instances, appoint the man whose name appeared first on this panel, he might legally disregard it altogether and select another from the larger list. This left a loophole through which various influences might exercise pressure upon the minister. Sometimes he

³⁰ Decree of 18 Aug. 1906.

³¹ Anyone not so recommended might protest directly to the Minister of Justice, who would usually decide the issue according to the advice of the commission.

would heed the advice of his director of personnel, again he might listen to the views of members of the Court of Cassation; or, more frequently still, he might yield to the exhortations of parliamentary colleagues to whom he owed his own elevation to the cabinet.

Under such a system a magistrate ambitious to grace the bench of a superior tribunal was forced to seek "the benevolent neutrality" of the senators and deputies of the judicial circuit to which he wished to be appointed. Quite naturally, the public tended to suspect that favors in the court room were the price of such parliamentary intervention. While it is improbable that the official conduct of any considerable number of judges was in any wise influenced by a sense of gratitude to their political benefactors, the fact remained that excessive latitude was allowed to the Minister in selecting judges for advancement. The departmental promotion list included too many names.

What is more, it was charged with considerable justification that members of the "standing" were favored over those of the "sitting" magistracy as regards the rate of advancement.³² This discrimination had as its cause the fact that "public prosecutors, initiating criminal investigations and speaking at hearings, played a more active rôle and attracted greater attention from their superiors and politicians than did the judges."³³ Similarly detrimental to a wholesome esprit de corps in the magistracy was a more or less pronounced tendency, when making promotions, to pass over *trial* judges for examining magistrates (*juges d'instruction*). Strangely enough, the existence of a single centralized and unified judiciary national in scope seemed conducive to the development of a certain amount of internal dissension. As a corrective for this M. Pigé went so far in 1925 as to propose the establishment of three parallel careers for trial judges, examining

³² This distinction in labels arises from the fact that prosecutors *stand* while speaking.

³³ Pigé, *op. cit.*, 247.

JUDICIAL HIERARCHY (1927)

Sitting Magistracy

* 1 President
3 Section Pres.
† 45 Councillors

Standing Magistracy

1 Procuror-General**
6 Advocates-General

Court of Cassation

Courts of Assizes quarterly in each department

Judges and prosecutors on circuit
as needed

Courts of Appeals

Paris

25 Larger Provincial Towns

1 Procuror-General
9 Advocates-General
13 Asst. "

27 Procurors-General
37 Advocates-General

Tribunals of First Instance

Seine

1 Public Prosecutor

45 Public Prosecutors
1st class

49 Public Prosecutors
2nd class

43 Public Prosecutors
3rd class

45 First Class { Towns of 80,000 Population or over
Arrondissements of 200,000 Population
49 Second Class { Towns of 20,000 to 80,000 Population
Arrondissements of 120,000 to 200,000
43 Third Class { Towns less than 20,000 Population
Arrondissements less than 120,000

* President = Presiding Judge

† Councillor = Appellate Judge

Deputy Judges

Panel of 217 Initial
Appointees for Assignment
above as needed

** Procuror-General =
Prosecutors attached
to Appellate Courts

magistrates, and prosecuting attorneys respectively, on the ground that each required different aptitudes and technical knowledge.³⁴ Whether such a reform, narrowing as it undoubtedly would the area of transfer and promotion, would not create evils greater than the existing ones seems at least an open question.

However this may be, two recent decrees have somewhat modified both the rules and rate of promotion for the magistracy. The first of these was the discontinuance by Poincaré in 1926 of over 200 of the smaller and less important district courts (*tribunaux d'arrondissement de 3me classe*), the result being to increase the relative number of 2nd and 1st class courts.³⁵ It was announced that until surplus judicial personnel was absorbed, recruitment would be curtailed so that eventually a greater proportion of magistrates might look forward to advancement, at any rate through the three levels of provincial courts of first instance. The diagram on page 344 shows the judicial hierarchy as it appeared after the re-organization of 1926.

The second reform, which went into effect a year later, classified all judicial personnel below the members and prosecuting staff of the Court of Cassation into twelve groups for purposes of promotion.³⁶ In each group certain grades, regardless of minor differences in salary, are regarded as equivalent, and for each a special annual promotion list is prescribed. Arranged in descending order and so as to show equivalence of grade as between the sitting and the standing magistracies, these twelve promotion levels are presented diagrammatically on page 346.

The revised regulations governing the movement of judicial personnel provide that no magistrate may be promoted from one level to a higher one unless his name appears on the pro-

³⁴ *Ibid.*, p. 250.

³⁵ Original trial courts are ranked according to the population of the districts over which they have jurisdiction. Thus, as population shifts, their classification will often go up or down.

³⁶ Decree of 21 July, 1927.

PROMOTION LEVELS: MINISTRY OF JUSTICE

	<u>Sitting Magistracy</u>	<u>Standing Magistracy</u>
12	Section Presidents, Court of Appeals at Paris	None
11	None	Advocates-General, Court of Appeals at Paris
10	Section Vice-Presidents, Court of Appeals at Paris	None
9	Councillors, Court of Appeals at Paris	Assistant Advocates-General, Court of Appeals at Paris
8	Presidents, 1st Class Section Presidents, Provincial Courts of Appeals, Vice-Presidents, Tribunal (Seine)	Public Prosecutors, 1st Class
7	Section Presidents, Tribunal of the Seine	None
6	Judges, Tribunal of the Seine	Advocates-General, Provincial Courts of Appeals
5	Presidents, 2nd Class Vice-Presidents, 1st Class Councillors, Provincial Courts of Appeals	Public Prosecutors, 2nd Class Assistant Procurors-General, Provincial Courts of Appeals
4	Presidents, 3rd Class Vice-Presidents, 2nd Class Judges, 1st Class	Public Prosecutors, 3rd Class
3	Vice-Presidents, 3rd Class Judges, 2nd Class	None
2	Judges, 3rd Class	None
1	Deputy Judges	None

motion list for the latter level.³⁷ Assignment from one function or post to another on the same level, however, may take place, regardless of whether the transferee's name is on any promotion list, and without affecting his seniority or promotional status. In general, a minimum of two years' service at a given level is necessary for inscription on a promotion list. Notwithstanding this rule, if all the magistrates with two years' service have been promoted or their number is less than one-third that of the higher category, the required minimum is reduced to one year; further, should these same contingencies materialize for those with one year's service, seniority requirements are waived altogether.

Up to and including the 5th category (as listed above), the general rule is that promotions may be made only from one level to the immediately superior one. The skipping of one step in the ladder is permitted only under conditions involving the drawing up of special promotion lists, as well as, usually, longer periods (four to six years) of service at a given level—conditions likely to materialize very often.³⁸ But in the upper reaches of the hierarchy, one or more hurdles may, the departmental promotion board permitting, be jumped, although in reality few such jumps occur.

The procedure for presenting candidates for inscription on promotion lists varies little from what was described earlier in this chapter. Before July 1st, the president and procuror-general in each appellate jurisdiction into which the country is divided send to the Minister of Justice their lists arranged *in order of merit*, accompanied (1) by a detailed statement concerning the professional qualities of each man included thereon, (2) recommendations as to the type of post each is best fitted to fill, and (3) the individual magistrate's personal preference regarding transfer or promotion. During the first

³⁷ There is one exception to this rule: section presidents of the Tribunal of the Seine may be advanced to presidents 1st class without being inscribed on the promotion list for the latter grade.

³⁸ Membership on the supreme judicial tribunal is restricted by art. 17 of the law of 28 April, 1919, to a still narrower professional field.

fortnight of July an alphabetical list of the names submitted to the Minister is posted at the court of appeals and each inferior (district) tribunal within the jurisdiction. This is done to enable any whose names have not been included (the list may not normally exceed one-half the number in each of the respective categories) to submit through official channels before August 1st protests in their own behalf. Without exception, no magistrate over sixty-eight years of age can be presented for promotion.

In Paris, during the first fifteen days of November, a central promotion board, whose membership consists of those officials already indicated, plus four members of the Court of Cassation, selects from the totality of regional recommendations the final list. As under the old regulations, this list may still contain three times as many names as the average number of vacancies in each category during the preceding five years. If it wishes, the board may call the Minister's attention to certain candidates whose claims to advancement have extraordinary merit. In case any of the original lists should be exhausted during the course of the year, supplementary lists not exceeding one-third of the former are prepared in conformance with the same procedure. Unless there be good cause to the contrary, men not promoted one year are re-inscribed on the appropriate subsequent lists in order of seniority until they pass to the superior grade or reach the age of sixty-eight. These exceptions apart, all departmental lists, original as well as supplementary, are arranged in alphabetical order and published immediately in the *Journal Officiel*.

We come now to the final step in the process: the selection of men for appointment to vacancies. Here, the limits of the Minister's discretionary power have been appreciably narrowed by the revised regulations. At least one-fourth the vacancies occurring annually in each of the five lowest categories are reserved to those whose names have longest appeared on its promotion list. Otherwise, the Minister is as free

as before in making his selections. This means that he may even go outside the regular judiciary in selecting men for the following high posts for which annual promotion lists are not prepared:

presidents and procuror of the Tribunal of the Seine
 presidents and procurors-general of all Courts of Appeal
 all members of the Court of Cassation

provided he draws from certain specified groups (principally professors of law, ex-magistrates, high administrative officials, justices of the peace who have distinguished themselves, and attorneys with at least ten years' practice). Because of their strategic importance politically as well as judicially, such appointments are always carefully considered by the entire cabinet before final decisions are reached.

With considerable warmth, the Director of Personnel defended in the writer's presence the right of the Minister of Justice to exercise within these broad limits discretionary authority in picking men for judicial positions. It was necessary, thought the Director, to take into account the special requirements of each tribunal as regards tact in handling litigation, leadership, prestige, the amount of business, and the like, as well as the personal qualities of eligible candidates. For reasons of social background or family connections it was often desirable that a certain man, otherwise competent, be temporarily passed over. But this same official insisted with equal positiveness that nowadays political intervention really played a very small rôle in French judicial administration. It was confined in his experience to the occasional success of groups of senators and deputies in preventing the assignment of "certain magistrates to certain communities." Such a seemingly innocent phrase may, of course, connote much! ³⁹

³⁹ Since these lines were written, a dispatch to the *New York Times*, 5 Sept., 1930, reported that the Minister of Justice had revealed on the floor of the Chamber that no less than 8,000 recommendations for the promotion of judges had been received by him from members of Parliament, one magistrate succeeding in securing thirty-eight deputies

What the effects of the Poincaré reforms of 1926 will be upon the expectancy of promotion in the magistracy, it is too early to consider. Under conditions previously prevailing, no more than eight or ten per cent of the annual group of judicial initiates could hope to win the "highest prize" of the profession; i.e., presidencies and procuror-generalships of Courts of Appeal or membership on the Court of Cassation. Probably as many as thirty per cent were accustomed to ending their careers while still on the bench of an inferior court in some sleepy provincial town, although it should be noted in this connection that outstanding younger judges now and then deliberately refuse promotion if it means forsaking their native towns, their circle of relatives, or personal supervision of inherited property interests.⁴⁰ There are others who appear to be content to remain indefinitely *en province* simply because they are devoid of professional ambition. For most, however, the "red robe" of an appellate judgeship is a coveted goal to be reached as soon as possible, while a post in the national capital, carrying with it higher compensation and greater chance for public recognition, is longingly looked forward to.

The average age as of 1927 of French magistrates at the principal hierarchical levels, beginning with the lowest, is indicated on the opposite page.⁴¹ This table contains a number of points of special interest. First, it shows the tendency of public prosecutors to win advancement in rank somewhat more rapidly than sitting magistrates. Secondly, it suggests that few men are called upon to exercise the exacting functions of appellate judge short of having had at least twenty-five years service on the bench. Next, we note that presiding judgeships in all important courts, original as well as appellate and senators to support his claims! The forms, if not the substance, of the old game of political "pull" perpetuate themselves.

⁴⁰ Many magistrates belong to old aristocratic families with country estates.

⁴¹ From data directly supplied by the Director of Personnel, who stated that, despite temporary disturbances, 1927 might be regarded a fairly typical year.

SITTING MAGISTRACY	AVERAGE AGE	STANDING MAGISTRACY	AVERAGE AGE
Deputy judges	27		
Judges, 3rd. class.....	30		
Judges, 2nd. class.....	34		
Judges, 1st. class.....	40	Public prosecutor, 3rd Class	38
Councillors, Provincial Courts of Appeals ...	54	Public prosecutor, 2nd Class	47
Judges, Tribunal of the Seine	48	Advocates-général, Provincial Courts of Appeal	50
Presidents, 1st class....	60	Public Prosecutor, 1st. class	58
Councillors, Court of Appeals at Paris.....	58	Assistant Procuror-Général Court of Appeals at Paris	55
Presidents, Provincial Courts of Appeals....	64	Procuror-Général, Provincial Courts of Appeals	62
Councillors, Court of Cassation	67		
Presidents, Court of Cassation	70	Procuror-Général, Court of Cassation	65

late, rarely are conferred upon men under sixty. Finally, these age averages reveal how much longer magistrates of the same general grade must serve to secure assignment to posts in Paris than to correspondingly important courts in large provincial towns. Step by step, career paths converge upon the *Palais de Justice* on the bank of the Seine.

Like the Foreign Office and Ministry of Public Works, the Ministry of Justice follows the practice of drawing its central directing officials from the field establishment, that is, from the active judiciary. The political chief of the Ministry nearly always assigns the headship of the three principal administrative divisions to men who have had twenty or more years of service as magistrates.⁴² In selecting these directors, the

⁴² When interviewed by the writer, M. Matter, *Procureur de la République*, could remember only two instances out of perhaps a hundred during his long career when outsiders had been appointed to these

Minister will normally consult the chief justice (president) of the Court of Cassation and the Procuror-General. The average tenure of central directorships, however, is decidedly brief. During a period of forty-two years (1881-1923), for example, there were fifteen different heads of the Division of Civil Affairs, twenty heads of the Division of Criminal Affairs, and forty-one Directors of Personnel.⁴³ Only in exceptional cases will a man ever be kept in one of these highly strategic posts longer than four or five years. A rapid rotation is deemed desirable in order to avoid the insidious pitfalls of "one man control" over the judicial establishment of the State, charged as it is with the settlement of delicate disputes often full of political dynamite. Furthermore, most Ministers of Justice insist upon having about them advisors who are personally, and often politically, in accord with their views. For the best efficiency in administration, one suspects that a little greater stability in the direction of departmental affairs would be advantageous.

On the other hand, it is not uncommon for the same man to fill successively two, or even three, supervisory positions in the central bureaus of the ministry. When this happens, it appears that the traditional sequence is to be appointed first as chief of the minister's "personal cabinet," then to hold an intermediate assignment as head of the Division of Personnel, and next to be rewarded, as it were, with the directorship either of Civil or of Criminal Affairs.⁴⁴ Thereby becomes established a quasi-gradation of directoral posts. Upon the termination of administrative service at departmental headquarters, magistrates may elect to retire, or they may be "promoted" to membership on the Court of Appeals at Paris or on the Court of Cassation.

Another interesting practice making for inter-penetration directorships. The subordinate staffs of the central offices, of course, are recruited separately.

⁴³ *Annuaire de la Magistrature* (1925).

⁴⁴ The incumbents of both these posts in 1927 had followed this path.

in the exercise of judicial and administrative functions is that of detaching magistrates to serve in supervisory capacities in other central government departments. For instance, a distinguished advocate-general whom the writer interviewed had spent five years in the Ministry of War as Director of "Military Justice." Many departments turn regularly to the magistracy for men to handle their legal business. In a sense, such assignments are not unlike the departmental solicitorships at Washington.

Quite apart from the question as to the relative merits of the single judge and the collegiate principle, the personnel phases of French judicial administration are worthy of the serious attention of judicial reformers in Anglo-Saxon countries. Of three of the obvious short-comings in the system—spasmodic political interference in assignment and promotion, liability of government prosecutors to removal without just cause, and inadequate remuneration for the bench—it may be said that all are now recognized as evils and that progress toward their eradication is gradually being made. Today there is less "politics" in the dispensing of justice than ever before. Members of the standing magistracy have won the right to a hearing before a committee of their colleagues when threatened with dismissal. And salary scales for the judiciary are being restored at least to their pre-war values, if not higher for the inferior grades. A fourth difficulty, more deeply rooted, will be harder to overcome. Here I have in mind that bureaucratic conservatism which refuses to allow any but old men to preside over, or, for that matter, to adorn the bench, of the higher courts. When men are sixty or more by the time their term as president of an appellate court begins, it means that they will at best have only eight or ten more years to serve. In fact, on the Court of Cassation the average tenure of a justice is hardly five years. Such a rapid judicial turnover scarcely makes for a progressive continuity in the development of French jurisprudence. Somehow or other place should be made at and near the summit of the judicial hier-

archy for an independent, vigorous minority of brilliant younger magistrates. Judicial venerableness needs to be diluted with youth.

CHAPTER XII

DEPARTMENTAL STUDIES OF PERSONNEL MANAGEMENT (*Continued*)

D. MINISTRY OF FINANCE

The three services whose handling of personnel was analyzed in the preceding chapter have one trait in common: they are all manned by relatively small, highly trained professional or clerical staffs, organized in the main as unified field establishments. Despite very real difficulties in the way of developing effective morale-incentives and proper controls over the movement of personnel, they are trivial in comparison with the obstacles that beset the management of large masses of men and women doing chiefly routinized clerical and mechanical work;—where, instead of a few comparatively wide channels of promotion, there are numerous narrow paths; where, also, the presence of an extensive central office force, recruited separately from the exterior services, tends constantly to create an artificial chasm between those who control by writing and those who execute by dealing directly with taxpayers, citizen consumers, and concrete situations generally. Such, in brief, is the complex situation with which the money-gathering and spending department of a large government has to grapple.

The French Ministry of Finance presents no exception to this generalization. Here, be it recalled, we find a body of 90,000 employees managed by ten distinct personnel bureaus: one for the central offices of the Treasury, five for the various revenue services, and four for the semi-independent establishments, industrial and scientific in character, which are at-

tached to the Ministry.¹ In addition, there is a general field inspectorate nominally under the supervision of a central "council of administration." This latter body, consisting of the heads of the various revenue establishments, plus the chief of the Minister's personal secretariat, acts as a kind of super-coördinating board of strategy for the entire department. As such, it holds frequent, usually weekly, meetings, over which the Minister ordinarily presides, to discuss matters of general administrative policy, including the appointment and transfer of personnel of the grade of central director and chief of service.²

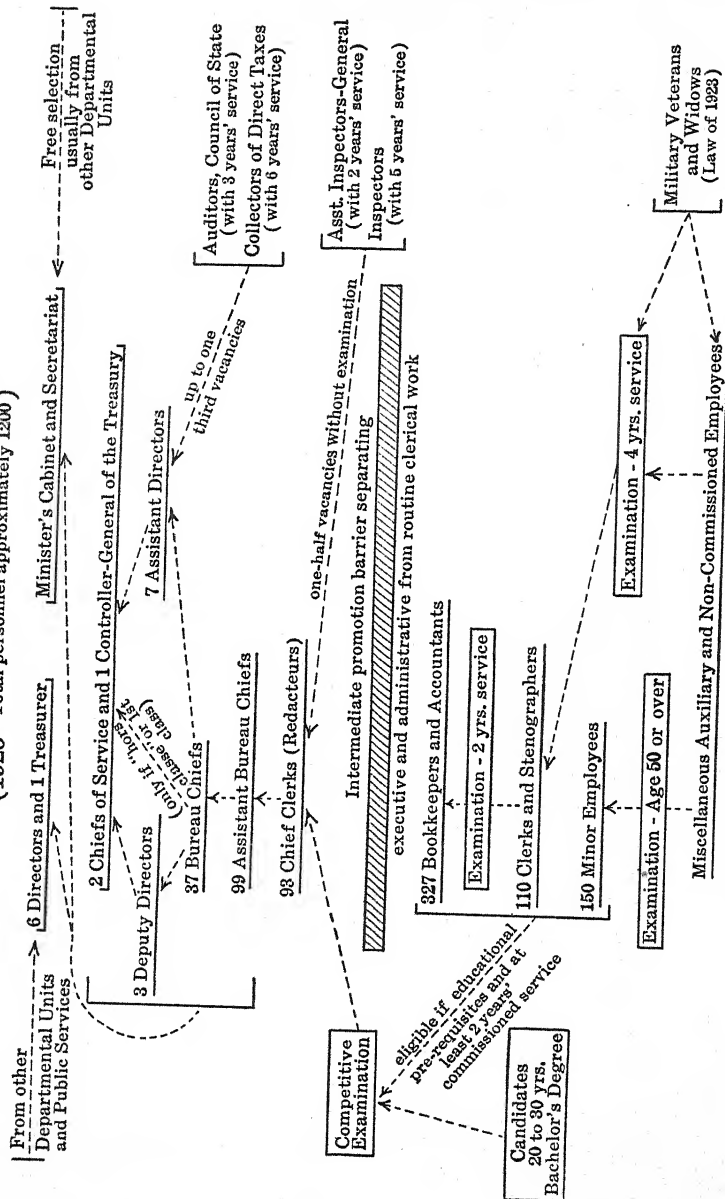
The headquarters' staffs of the Treasury fall into two main categories: (1) those who man the central administrative offices properly speaking, and (2) those who compose the central supervisory bureaus of the several revenue-collecting divisions. As will be seen from the accompanying diagram, the higher personnel of the central offices, up to the grade of director, is selected mainly from within the department as far down the scale as assistant bureau chief.³ Below the latter grade, that is, from senior clerks (*rédacteurs*) down, promotion depends mainly upon special examinations open to all occupants of inferior grades possessing the prescribed minimum of seniority and educational pre-requisites (diplomas,

¹ These semi-independent establishments include (1) the National Printing Office, (2) the Division of Moneys and Medals, (3) the State Manufactures, and (4) the Laboratories of the Ministry. For a good brief account of the organization of the Ministry of Finance, cf. A. Girault, *Manuel de Législation financière* (Paris, 1924). Vol. I, pp. 190-197, 218-240. Since the above lines were written (1929), several of the services of the Ministry of Finance directly concerned with budgetary operations were (February, 1930) detached and erected into a *Ministry of the Budget*—probably a temporary expedient resorted to with a view to providing an additional cabinet post and affecting scarcely at all personnel procedures.

² The Treasury has no official analogous to the secretary-general of the Foreign Office.

³ In 1927 the central administrative services of the Ministry of Finance were designated as follows: (1) the Minister's Cabinet, (2) legal claims, (3) personnel and *matériel*, (3) control of revenue divisions, (4) control of departmental expenditures, (5) bureau of the budget, (6) the accounting office, (7) *la dette inscrite*, and (8) control of the treasury.

MINISTRY OF FINANCE: CENTRAL OFFICES (1926 - Total personnel approximately 1200)



certificates, etc.). At the bottom stands a fluctuating number of subaltern non-commissioned and auxiliary employees drawn in large part from the ranks of former military men and their widows. An intermediate barrier separates executive and supervisory work from routine operations. Although provision is made whereby enterprising bookkeepers, file clerks, typists, and the like, may cross this barrier, comparatively few are able to compete successfully against the college and university trained candidates for appointment to senior clerkships.

For upper grade posts, promotion operates entirely by selection from those who win places on annual promotion lists. These lists are limited to twice the estimated number of vacancies per grade.⁴ They are prepared in January in the usual manner, with seven officials at the apex of the hierarchy acting as the board. Where not otherwise provided, advancement both in class and grade takes place by successive steps; but the exceptions are sufficiently numerous to allow a considerable variation in the rate. Ordinarily, in picking men to fill vacancies as chiefs of bureaus and other administrative units, the Finance Minister follows the recommendations submitted by his "council of directors" (the seven men referred to above), but where as many as three names are presented in order of merit, he sometimes names the second or third on the list instead of the first. For appointments to the topmost post of director no special conditions are imposed. Here the Minister is legally free to select anyone he chooses. Now he will reach down two or three grades for some outstanding man whose work has commanded attention among the Treasury bureaus; again he may draw in an official from the general inspectorate or the revenue services or other government departments.⁵

⁴ As previously explained, supplementary lists may be drawn up if and when the original ones are exhausted.

⁵ In 1926, according to the *Annuaire*, three of the six divisional directors had been inspectors of finance; one, a payer-general of the Treasury; and two, magistrates.

Of penetration into these central office staffs from the other services of the Ministry there is deplorably little. When the two chiefs concerned formally request it, an employee may be transferred without change of rank from the central bureaus of the revenue services to the departmental offices at Treasury headquarters, and vice versa. Likewise, interchangeability of personnel is theoretically permissible between headquarters and field stations in the tax-collecting and customs divisions, but the formalities upon which transfer is conditioned are so tortuous that it is seldom used.⁶ The consequence is that most Treasury employees write reports, prepare forms, and make decisions from the center without ever having face-to-face contact with the taxpayer or his property out on the circumference. A better setting for the breeding of a petty bureaucratic psychology could scarcely be devised. All thoughtful observers agree in admitting the evils of this caste-like inbreeding. In too many men of great initial talent it produces eventual mental stagnation and the desire to settle widely divergent situations by reference to a uniform "reglementation." What is not less lamentable, of course, is the fact that, as regards promotion, the area is exceedingly narrow and its expectancy equally slight.

In passing, it is significant to note that the industrial and technical establishments nominally attached to the Ministry of Finance have evolved almost as elaborate sets of rules governing promotion as its purely administrative units.⁷ For example, the government match and tobacco monopolies have graded supervisory and technical personnel in nice conformance with the hierarchical principle, advancements both in salary and rank normally occurring only by successive stages,

⁶ Either the employee must himself request transfer or it must result from disciplinary action against him, in which case he is entitled to inspect his *dossier*.

⁷ Legal "decrees" apply there as in other branches of the Ministry. The size of the staffs of these quasi-independent units in 1926 was as follows: (1) tobacco and match monopoly, 2,034; (2) National Printing Office, 1,499; (3) Moneys and Medals, 399; and (4) Laboratories, 118.

partly by seniority, partly by merit, and partly by a neat combination of the two elements. In the state printing establishment seniority plays a somewhat less important rôle, but the mint (*administration des monnaies et médailles*) reverts to type in its ingenious rules for compromising the claims of individual worth and years of experience; the departmental laboratories do likewise for their scientific staffs, which consist chiefly of chemists employed to make analyses and research studies at the request of the customs and indirect tax divisions.⁸

From the official standpoint, the management of the 50,000 employees who have to assess and collect the multifarious forms of revenue imposed by the French national government involves extraordinarily exasperating operations. Coming, as most of them do, into direct personal contact with the taxpayer, these staffs suffer the brunt of that constant unpopularity which attends the State's reaching down into private pocketbooks for money. It is natural, if not rational, that the heavily burdened citizen should "personalize" his resentment upon the intermediaries whose task it is to distribute complicated tax returns to be filled out and to whom, in most instances, the assessments must be paid. Temperamentally, Jacques Bonhomme delights in evading at every possible turn his fiscal obligations to *l'Etat*.

The French tax system is a notoriously complex thing.⁹ It is honeycombed with vestiges of ill-conceived methods of raising money used as far back as the eighteenth century. As a result of this cumulative process, the current forms of public revenue are almost endless in number and variety. From one-third to one-fourth the total yield has since the World War been obtained from what are administratively classified as "direct" taxes on personal incomes, securities, businesses, personal property, "doors and windows" (a curious, anachro-

⁸ In addition to coining money and striking off medals, this service maintains a museum of great value to students of numismatics.

⁹ Cf. Robert M. Haig, *The Public Finances of Post-War France* (New York, 1929), for the best description of French taxation in English.

nistic form of real estate assessment) and "assimilated" taxes, the chief of which is the war-profits tax. All of these are administered by the Division of Direct taxes "through rôles or assessments issued in the name of the taxpayer concerned."

The remaining revenues, aggregating the bulk of the total annual Treasury receipts, are administratively handled as follows: (1) *registration and stamp taxes*, formerly by a service distinguished by the foregoing caption, but since 1927 partially consolidated with the Division of Direct Taxes; (2) *contributions indirectes*, consisting principally of a business turnover tax and excises levied upon articles of food, alcoholic drinks, and transportation, by the Division of Indirect Taxes; and (3) *import duties*, by the Division of Customs.

Each of these four revenue divisions of the Treasury enjoys considerable administrative autonomy. Their central headquarters, for example, are located in different sections of Paris, and their field staffs are for the most part recruited and controlled separately, although their day-to-day work entails continual inter-staff contact. At the head of each division stands a director-general, and immediately below him a varying number of assistants called *administrateurs*, who altogether constitute a "council of administration" for the Division. The intermediate and subordinate central office staff (bureau chiefs, *rédacteurs*, *commis*, *expéditionnaires*, etc.) are recruited and promoted by processes similar to those already described for the central bureaus of the Treasury itself.

With the exception of the customs, the exterior personnel of these divisions is territorially organized by *départements*. Thus there are ninety local units of administration, each of which is headed by a *directeur départemental* and manned by a corps of inspectors, controllers, receivers, and supernumeraries.¹⁰

The agents of the Division of Direct Taxes enter the service

¹⁰ In the Division of Indirect Taxes there is also a subaltern personnel consisting of *comis titulaires*, most of whom are ex-non-commissioned officers of the army.

as supernumeraries. Promotion comes exclusively by the closed system and is based principally upon selection according to merit. Annual promotion lists are drawn up by the central council of administration. For the grades of inspector and departmental director, the names are arranged alphabetically, and normally vacancies are filled by going down each list in this order, although if "qualified" candidates seem in the Director-General's opinion to be lacking he may make his choice from any of the first ten on the list.¹¹

Salary increases involving promotion in rank are granted at a maximum frequency of one in two years, selections of upper-grade personnel being entirely by merit; of lower-grade, one-half by merit and one-half by seniority. To qualify for inscription on the promotion list for the grade of inspector, controllers are obliged to pass an intermediate examination of a practical character. Similarly, a special promotional test must be taken by supernumeraries before they become eligible for the next higher grade of controller.

In this service, elaborate service reports are annually prepared on every agent.¹² The first page of this report consists of a detailed questionnaire asking the employee his desires as to any higher positions for which he wishes to be a candidate and geographical regions where he would like to be stationed, in order of preference. The rest of the report contains a summary of the agent's previous service, a description of any unusual work he may have done during the year, individual ratings on fifteen different points by his inspector and his director, ending with a general numerical rating by the latter two officers. All things considered, the system of rating used in this division impresses one as being more comprehensive and reliable than any other which we have yet examined. Yet it is only fair to add that the "syndicalized" rank and

¹¹ Further conditions require (1) that inspectors must have served at least fifteen years and be less than forty-eight years old, and (2) that directors must have had at least twenty years' service and be less than fifty-six.

¹² Cf. Appendix B, first insert, for a specimen form.

file appeared to be dissatisfied on two points: first, because they did not, as a matter of course, have the right to inspect their own ratings; and second, because they were not directly represented on the board selecting names for promotion lists. If, however, these changes were made, the consequence, insisted the Director-General, would probably be "automatic" promotion by seniority, which, in his experience, always acted "as a death knell to employee enthusiasm and initiative."¹³

By and large, the esprit de corps in the direct tax administration seemed to the writer to be comparatively good. In part, this is due to the exceptional care that is taken to transfer men from station to station so far as possible in accordance with their wishes. But the real explanation probably lies in the curious arrangement whereby income and property taxes are not paid to the agents of the Division of Direct Taxes. The task of the latter is confined to the assessment of real and personal property and the preparation and maintenance *au courant* of tax rolls, which, under the French system, is a formidable operation; whereas tax bills are collected by a separate group of officials, known as the *comptables directs du Trésor*, under the immediate control of the central Treasury. By escaping direct contact with the public, the personnel of the Direct Tax Division enjoys less unpopularity than do their *confrères* in the other revenue divisions. The former, curiously enough, seem to have developed an almost "autocratic" attitude toward the latter.¹⁴

A word is next in order about these accounting officers (*comptables*) who physically accept moneys from taxpayers and are responsible for the receipts to the central Treasury. The local offices at which tax bills are paid are called *perceptions*, the jurisdiction of each of which covers an area a little

¹³ Interview, 12 July, 1927. Nor were there in 1927 bi-partite promotion boards in the Division of Indirect Taxes. The Ministry of Finance has consistently lagged behind other administrative departments in instituting staff representation on departmental committees—another example of the pronounced conservatism which dominates its management.

¹⁴ Cf. Girault, *op. cit.*, Vol. I, p. 219.

larger than a canton. The senior collectors, or *percepteurs*, in charge of the thousands of *perceptions*, are recruited partly by open competitive examination, partly from other categories of subordinate personnel in the Ministry of Finance and the prefectures. It is also the duty of the *percepteurs* to help the direct tax administration to secure information concerning property transfers, publish the tax roles, initiate legal actions against delinquents, collect fines, cash orders on the Treasury for State pensioners, sell government bonds to private citizens, pay interest coupons, and in the smaller towns, act as municipal tax collectors. The fiscal responsibilities of these *fonctionnaires* are indeed onerous.

Immediately above the *percepteurs* in each *arrondissement* stands a *receveur particulier des finances*, exercising close surveillance over the accounts of the former and reporting all balances to the general treasurer (*trésorier-payeur-général*). The last-named official is in turn directly accountable to the national Treasury for all the above-mentioned operations pertaining to his jurisdiction (which coincides with a territorial *département*), as well as acting as a local instrument to guide the movement of state funds and serving as the budget officer of the *département*.¹⁵

The upper ranks of this money-receiving and spending organization are filled in the following manner: *Percepteurs* may compete by special examination for one-half of the vacancies in the position of *receveur particulier*, one-fourth being reserved to commissioned employees of the central offices of the Treasury and of the Division of Direct Taxes with ten years or more of experience, and the last quarter being open, in the government's discretion, to other candidates having served an equal period in some public service; provided, however, that the age at appointment as *receveur* does not exceed fifty. Two-thirds of the posts of *trésoriers-payeurs-généraux* are at-

¹⁵ In the entire country there are eighty-nine *trésoriers-payeurs-généraux*. The *Département de la Seine* is handled by a *receveur-général* because of its commanding fiscal importance.

tributed to men who are promoted by merit from the ranks of *receveurs*, while the remaining third are filled by free governmental appointment. Here an age limit of fifty-seven is set. Despite the social unpleasantness of having to listen to constant complaint from disgruntled income tax-payers, positions as *comptables* are said to be much in demand. To the incumbents they lend distinct local prestige in provincial communities. Yet the prospects for advancement in rank obviously can never be alluring for the thousands of *percepteurs* at the bottom of this three-stepped ladder, since at the most only half of some 360 "receiverships" are accessible to them.

The personnel of the Division of Registrations and Stamps is organized along the same general lines as the direct tax service. Here the "key" officer, standing just below the departmental director and inspector in rank, is the *receveur d'enregistrement*, of whom there is at least one per canton. In their general outlines the conditions of admission and promotion follow the pattern of the adjoining direct tax administration. In the interest of efficiency in assembling complete data on taxable wealth and income, the amalgamation of these two services, long demanded, was partially realized in 1927. A narrow particularism, nourished by the fear of each service that it would be absorbed by the other, had delayed this reform for over half a century. It is evident that the work of analyzing, abstracting, and recording legal documents (wills, deeds, court judgments, etc.) exacts of these officials a meticulousness surpassed in no other branch of French fiscal administration.

In each of the foregoing revenue divisions the staff are, for the most part, men with a fair degree of bourgeois culture. A good elementary knowledge of civil, commercial, and fiscal law, moreover, is indispensable to the performance of their official duties. If the citizen makes contact with them at all he usually comes to their offices, rather than having them appear at his domicile or place of business. Not so in the in-

direct tax and customs services. "These two administrations," writes a leading authority on French public finance, "are more brutal, having inherited the processes of the tax-farmers of the old régime. Their agents place themselves across the taxpayer's passage or even go find him at home. They swear out affidavits. For such work there is required a large subaltern personnel inevitably recruited in inferior milieux with respect to educational background. The indirect tax division is particularly unpopular because its activity covers the entire country instead of being limited to the frontier. The epithets of *gabelon* (salt-collector) or *rat-de-cave* (water-rat), commonly used by the poorer classes in designating its employees, are obvious manifestations of this unpopularity."¹⁶

The revenues administered by the *Direction des Contributions indirectes* are bewildering in their variety. The meagre yield of many of these revenues would scarcely seem to justify the cost of and annoyance caused by their collection.¹⁷ Some are automatically payable at the time the taxable commodity or service is purchased; others, resulting from situations discovered on the administration's own initiative, must be collected on the latter's responsibility. In each rural commune, the person performing the task of verification and collection is a petty, part-time employee called a *receveur ruraliste*. As such he falls outside the category of *fonctionnaire* in the hierarchical sense, receiving as his remuneration a fixed percentage of his receipts. Ordinarily, he runs a little tobacco shop in connection with his official duties. Exercising surveillance over the *receveurs-ruralistes* are two full-time agents, the *receveur-ambulant* and *vérificateur principal*, who move from village to village together on foot or horseback, nowadays, in a few instances, by motor car.

In the larger towns and cities these tasks require a more

¹⁶ Girault, *op. cit.*, Vol. I, p. 221.

¹⁷ Haig, *op. cit.*, pp. 354-355, lists thirty-six different kinds of *contributions indirectes*; aside from excises on food and drink, there are taxes on amusements, bicycles, automobiles, playing cards, gasoline, and oils. The total yield exceeds that obtained from the customs tariff.

specialized gradation of officials. At the bottom stand the *contrôleurs* and *vérificateurs*, who establish and verify taxpayers' declarations, and the *receveurs sédentaires*, who receive the payments thereon. Next come the *receveurs principaux*, to whom the "peregrinating" and "sedentary" receivers are accountable. Incidentally, "principal receivers" in the smaller towns often also serve as intermediate distributors—wholesale jobbers as it were!—of government tobacco and gunpowder to retail dealers. Above these is a corps of *inspecteurs* whose function it is to "tour" the *département* and examine the operations of the various collectors. Finally, at the apex, stands a *directeur départemental*, aided, in the more populous circumscriptions, by a number of assistant directors.¹⁸

Admission to this service is partly by competitive examination, as supernumeraries, and partly from former military non-commissioned officers. By the closed system initial appointees are selected by varying combinations of merit and seniority for promotion in succession to the positions of *vérificateur*, *receveur* and *contrôleur*, entry to the last-named grade being conditioned also by success in a qualifying examination. The upper ranks are filled exclusively by merit from two services, to wit: (1) inspectors, from controllers 1st class not over 50 years old, and *rédacteurs principaux* in the central office of the Division, and (2) directors, from inspectors 1st class not over 58 and central bureau chiefs or assistant chiefs. Only in rare instances, however, are officials from the central administration appointed to either of these grades in the field establishment. Here, as in the other divisions, the dominant tendency is to keep the field staff "self-contained" from top to bottom.

As has already been noted at previous junctures, the organ-

¹⁸ Frequently, there is further specialization of function, e.g., certain officials handle revenues from sugar refineries and distilleries only; others, from gold and silver products; still others, from the municipal *octroi* in cases where the city pays the national government to collect the latter tax.

ization of the French customs differs from the internal revenue services in two important respects. Instead of following departmental divisions, it is regionalized into twenty-five "frontier" units, each controlled by a director. Under the latter the staff is hierarchically classified in three cadres: superior, principal, and secondary. The superior cadre comprises the directing and controlling personnel (*directeurs*, *inspecteurs*, and *receveurs*); the other two, the men who actually examine incoming merchandise, fix the amount of duty thereon, and make collections. Depending upon how they are utilized, the principal and secondary cadres are further subdivided into "stationary" and "ambulatory" groups (*service des bureaux* and *service des brigades*). The former are definitely attached to posts of entry, whereas the latter, organized into quasi-military brigades, patrol land frontiers, seacoasts, and harbors against smuggling.¹⁹

The regulations governing promotion and assignment vary in their essentials so little from the type-form already explained that further detailed description is unnecessary. As for the "sedentary" personnel, suffice it to say that by successfully passing two intermediate examination barriers and being placed on each promotion list with maximum rapidity it is possible for a supernumerary, entering the service between eighteen and twenty-five, to become a regional director in twenty to twenty-five years, that is, by the time he is forty-five years old. The average rate of promotion, of course, falls considerably below this level.

In the "sedentary" classification seldom does more than one man in twenty-five get a promotion any given year; and the average age of directors is nearer fifty than forty-five.²⁰ On the other hand, it normally takes only about six years for an energetic brigadier to win a lieutenancy or captaincy in the "ambulatory" section of the customs service.

¹⁹ The latter are also used to guard customs warehouses.

²⁰ In 1913, 87 out of 2,046 got promotions; in 1919, 55 out of 2,107; in 1926, 104 out of 2,941.

With these birds-eye views of the movement of staff personnel in mind, our survey of the Ministry of Finance may properly be concluded with brief reference to the position of *directeur-général*. This is the official denomination given to the administrative head of each of the great revenue establishments, as well as of the tobacco and match monopolies, the mint, and the printing office. Taken together, these *directeurs-général* are responsible directly to the Minister of Finance for the development and application of administrative policy not only in their respective establishments, but for the Treasury as a whole. It is they who give a measurable degree of continuity to its complex work; advise the Minister on technical questions and "key" appointments; try to extricate him when he makes blunders; and put the budget into its final form after its political contours have been shaped by the cabinet.

Because of the inside political importance of these posts, the government has refused to allow any restrictions on its power to fill them. At the same time it cannot be said that their occupants are, in the American sense, "political" appointees rotating with the cabinet. On the contrary, nearly all who hold these posts have had considerable experience in fiscal administration as Treasury inspectors or career men in their own establishments. When outsiders are appointed, they are usually men who have served as judges or prefects.

That comparatively young men are selected for these positions is clear from the table on page 370, showing that the average age of the seven *directeurs-général* was, for the year 1926, only forty-four.²¹ It is especially noteworthy that in four cases men under forty, with only thirteen to fifteen years of experience had been chosen, whether for reasons of outstanding administrative capacity or as a result of political or personal connections, the writer was unable to ascertain. Of the seven men here studied, five had had previous experience in the Ministry of Finance, one had come up through the

²¹ This table was compiled from biographical information contained in the *Annuaire des Finances* (1925-26).

MINISTRY OF FINANCE
Directors-General—1926

DIVISIONS	ENTRY INTO PUBLIC SERVICE		CHIEF INTERMEDIATE POSTS	AGE OF APPOINTMENT AS DIRECTOR-GENERAL
	Age	Post		
Direct Taxes	24	Redacteur	34—Asst. Bur. Chief 37—Director Finances, Alsace-Lorraine 39—General Treasurer	39—Indirect Taxes 41—Direct Taxes
Registrations and Stamps	26	Deputy Judge	44—Court of Appeals 48—Director Criminal Affairs, Min. Justice 49—Director, Civil Affairs	51—Registrations and Stamps
Indirect Taxes	25	Assistant Inspector of Finance	35—Asst. Chief, Cabinet, Min. of Finance 35—Inspector 1st class 36—Central Director 37—Chief, Cabinet, Min. of Finance	38—Indirect Taxes
Customs	24	Auditor, Court of Accounts	34—Asst. Central Director 36—Director, Movement of Funds	37—Customs
State Manufacturing Establishments	22	Assistant Engineer	39—Director, Havre Tobacco Factory 44—Bureau Chief in Central Division 51—Chief Engineer 54—Inspector General	57—State Manuf. Estab.
Mint	26	Assistant Inspector of Finance	36—Inspector 1st class 36—Asst. Central Director	39—Mint
Printing Office	22	Deputy Judge	29—Sub-prefect 3rd class 46—Prefect 3rd class 54—Director Personnel, Min. of Interior 56—Prefect 1st class	58—Printing Office

Average prior service—22 years; average age of appointment as *director-general*—44 years.

magistracy, and one through the prefectorial services. None of four revenue service heads, however, had climbed the ladder of his respective field establishment, three having been drawn from the central offices of the Ministry, and the fourth transferred from a directorship in the Ministry of Justice. These facts remind us once more of how advantageous it must be to belong to the inner circle surrounding *Monsieur le Ministre!*

Treasury directors and directors-general enjoy no guarantee of permanency of tenure. From 1870 to 1924 the average tenure of these posts varied from less than two to almost eight years, as follows: ²²

	DIVISIONS	NUMBER OF OCCU- PANTS	AVERAGE TENURE
Central Admin- istration	Personnel	35	1 year, 7 months
	Movement of Funds	20	2 years, 8 months
	Accounting	32	1 year, 8 months
Revenue Serv- ices	Direct Taxes	8	6 years, 9 months
	Registrations—stamps	12	4 years, 6 months
	Indirect Taxes	13	4 years, 1 month
	Customs	9	6 years,
Industrial and Technical Units	State Manuf. Estab.	12	4 years, 6 months
	Mint	7	7 years, 8 months
	Printing Office		7 years, 8 months

That there is an unwholesome instability in the management of the central bureaus is patent. The other divisions of the Ministry, however, are less affected by changes in headship. The query naturally arises as to what happens to high Treasury officials upon being relieved of their posts. With very rare exceptions they are taken care of elsewhere in the public service without suffering demotion in rank or loss of salary, except when a partisan upset of extreme proportions definitely cuts short, or temporarily disrupts, the career of a tactless or too independently-minded director.

²² *Ibid.*, for statistical data.

Whatever may be the shortcomings of French tax administration on the personnel side, it is doubtful whether the notoriously low tax yield should properly be charged to inefficiency on the part of those who assess and collect the national revenues. If fiscal evasion and fraud in granting tax refunds have greatly increased in France since the World War, the cause is probably to be sought rather (1) in the inveterate opposition of Frenchmen to all forms of revenue which compel them to allow agents of the State to scrutinize their personal or business affairs, (2) in the growing multiplication of overlapping taxes collected by diverse and antiquated procedures, and (3) in the overburdening of impoverished, inadequately prepared field staffs with impossible tasks.²³ It must be remembered that the French are not as yet fully acclimated to the income tax, which was adopted only in 1917 amidst the confusion of hostilities. From the Armistice down to the beginning of 1928, 250 different tax laws were passed, and while, in the latter year, the Treasury was attempting without success to codify them, 26 new forms of local taxation were authorized.²⁴ Imagine the resentment that must arise from having a business turnover tax assessed and collected by three different divisions: indirect taxes, registrations, and customs! Imagine, again, "without laughing, a *contrôleur des Contributions directes* having to present himself alone before the management of a department store, of a bank, of a large corporation to verify the accounts of each."²⁵

In spite of this situation, the net cost of tax collection rarely exceeds two or three per cent of the total yield.²⁶ Paradoxically enough, this is possibly an index to part of the difficulty. If the revenue officials were better paid, their

²³ For a cogent, though *ex parte*, synthesis of these charges, cf. E. Soutou and P. Cordié, *Les Coulisses de la Comédie fiscale* (Paris, 1928); also, for a penetrating critique of Treasury organization, articles in *La Tribune du Fonctionnaire*, 12 July and 2 Aug., 1924.

²⁴ Soutou and Cordié, *op. cit.*, p. 71.

²⁵ *Ibid.*, p. 25.

²⁶ In 1926, for example, it cost slightly over one billion francs to collect thirty-eight billions. (Art. I, Finance Act of 1926.)

"productivity" might be toned up to where the resultant income yield would more than cover the increase in their payroll.²⁷ But it takes broad-visioned administrative leadership to recognize such a simple law of human behavior. Any one who makes many visits to French Treasury bureaus begins to suspect that they are pervaded rather by a caste-like narrowness of outlook and an excessive fiscal conservatism than by inventiveness and far-sighted vision.²⁸

E. THE P. T. T.

The activities of the four administrative departments thus far surveyed are essentially *non-industrial* in character. Operating in the domain of foreign relations, construction engineering, the settlement of justiceable disputes, and taxation and expenditure respectively, they are not concerned with producing and selling economic services to the public.²⁹ It is in this fundamental respect that the postal, telegraph, and telephone administration differs sharply from any of the foregoing agencies. The P.T.T. constitutes a huge public utility enterprise which, by reason of being naturally suited to a state monopoly, has in France become governmentally owned and operated. The relative merits of public and private operation of telegraph and telephones need not here be argued. All are agreed, however, that efficiency in any large-scale commercial enterprise, whether governmental or private, must depend almost to the exclusion of everything else upon its success in recruiting and managing a technically competent staff personnel. It is not enough to eliminate the scourge of

²⁷ A judicious use of the bonus principle might also stimulate per capita productivity, although the experiment with bonuses tried in 1926 by the Division of Direct Taxes had indifferent results.

²⁸ The fact that the majority of the upper staff continue to have been trained to revere the viewpoint of "classical" economics is no small factor in this attitude, which blocked for many years the movement to establish an income tax.

²⁹ Except, of course, in the operation of the State railway system under the Ministry of Public Works.

spoils politics; the profit motive has to be supplanted by other incentives no less powerful if a public business is to keep abreast of modern technology and invention. Ideally, this involves the development of a pronounced staff esprit de corps, of outlets for all the inventiveness its body of workers possesses, of a high sense of loyalty to the enterprise, of unflinching pride in its achievements.

The obstacles in the way of approaching such an ideal are serious even in a private business. For a government department, responsible to a political legislature for every cent it receives and expends, they are infinitely magnified. In the latter accounting practice is far less flexible. Moreover, the principle of consistency requires that it constantly keep in view the "equal rights of all its customers."³⁰ In the French P.T.T. there has appeared another knotty problem: the rôle of militantly organized staff groups in the administration of the enterprise. Up to about 1880, the center of authority and discipline rested with the high directing officials. But favoritism and nepotism in the handling of staffs became rampant. Merit is difficult to measure where 150,000 employees are involved. As Fayol pointed out in a brilliant essay, "every special increase in status or salary seemed a favor not justified."³¹ The rank and file organized and demanded that initial selection and promotion be minutely regulated in the interest, ostensibly, of just treatment. In the long run, what resulted was to turn the P.T.T. into a quasi-"self-governed" organization. Promotion boards were set up throughout, and on them the rank and file of the staffs gradually won full representation.

For all but the uppermost ranks, advancement by seniority became the general rule. The managerial officials were left with but a shell of their former authority over subordinates. Even if the syndicalist slogan, "the post to the postmen,"

³⁰ Cf. the suggestive comparisons of public and private business made by F. R. E. Mauldon in a paper read before the Victorian Regional Group (Australia) of the Institute of Public Administration (1929).

³¹ *Incapacité industrielle de l'Etat*, pp. 48-55.

failed to gain its ultimate citadel, it at least undermined administrative "autocracy" and established in its place co-operative control.

The best of incoming under-secretaries were caught, to use Fayol's expressive phrase, "between the scylla of the directing officials and the charybdis of the *syndicat*."³² To extricate themselves they needed heroic qualities such as few possessed. Because right was by no means all on one side, reform entailed delicate adjustments of conflicting interests. If necessary, the side with superiority of numbers could always resort to pressure upon Parliament or the electorate in order to defend its position. Only with this peculiar setting in mind can we understand the elaborate personnel system now operating throughout the P.T.T.

Territorially, the P.T.T. is organized as a single national enterprise. From the central offices in Paris, control radiates out throughout twenty-seven regional "directions" to the local units of exploitation, namely, postoffices, moving and stationary, telegraph and wireless stations, and telephone exchanges.³³ Moving through this country-wide network to examine and verify the operation of every unit in it is a field inspectorate, organized similarly to and working in close co-operation with the Treasury inspectorate. Postoffices are classified according to their importance by a composite weighting of the following factors: number and categories of operations, number of deliveries, amount of receipts, number and composition of personnel, number of branches, population

³² The *Sous-Secrétariat d'Etat des P. T. T.* has been alternately attached to the Ministries of Commerce and of Public Works. In the first Tardieu Government of 1929 the status of the P.T.T. was raised to an independent ministerial department. It usually operates with a budgetary surplus.

³³ Until recently there were ninety *directions départementales*, but for them were substituted a smaller number of regional units of administration by decree of 7 Oct., 1926. Conceived at the time as an economy measure, this reform subsequently aroused violent protests from local communities as well as postal employee groups. Votes in the Chamber of Deputies in 1929 presaged the re-establishment of some kind of "departmental" unit. Cf. Berthélemy, *Traité* (12th ed.), p. 805.

of the town and its administrative, judicial and military status.³⁴

From the standpoint of the kind of work it performs, the operating personnel falls officially into three main categories. The first consists of the *fonctionnaires et agents du service général*, all of whom are initially recruited by open competitive examination. They are responsible for organizing and supervising office operations and departmental accounting and for inspecting and controlling subaltern manipulative personnel. The upper crust belong to what are called the *services administratifs*—directors, bureau chiefs, *rédacteurs*, bookkeepers, accountants, stenographers and clerks; the rest make up the *services d'exécution* and man the offices (*recettes*) at which mail is received and distributed. Each *recette* is directed by a *receveur*, or *receveuse*, depending upon whether a man or woman, whose salary status is determined by the classification of the office. In all but the small branch post offices, the *receveur* is assisted by a varying number of *chefs de section* and *contrôleurs*. The rank and file embrace ordinary postal clerks and supernumeraries.

The second of these large employment categories includes the *agents des services de manipulation, distribution et transport*—in short, the manipulative workers. They consist principally of letter carriers, urban and rural railway mail clerks, telegraphers, telephone exchange operators, and messenger boys. Most of them are recruited locally after simple qualifying tests and appointment by the prefect.

The last of the three groups, the *agents des services techniques*, comprises engineers, mechanics, electricians, and manual laborers, and is used mainly for installing and repairing telegraphic and telephonic equipment and for custodial work.

The functional distribution of the total personnel of the

³⁴ A re-classification is made every five years. Thousands of tiny branch postoffices are managed by part-time female employees on a commission basis.

POSTAL - TELEGRAPH - TELEPHONE: DISTRIBUTION OF PERSONNEL* (1927)

Employment Classification	Cabinet Secretary General	Personnel Office	Accounting Office	Functional Branches				Totals
				Postal	Telegraph	Telephone	Money Orders	
Central Administration	186	114	30	132	71	102	130	715
Field Establishment:								
(A) General Services:								
(1) Administrative	45	110		1,412	373	1,071	512	3,523
(2) Executive	18	36		36,731	9,557	17,622	2,948	66,912
(B) Manipulative Services:								
(1) Directive	5	18		310	30	17	1	381
(2) Executive	Total 204			63,531	5,865	33	179	69,608
(C) Technical Services:								
(1) Installation	Headquarters Buildings				99	12,902		13,001
(2) Laborers	12			805	150	567	4	1,538
(3) Auxiliaries	1			299	18	82	31	431
Grand Totals	217	278	30	103,220	16,163	32,396	3,805	156,109
Percentages	Headquarters Staffs		0.3	66	10	21	2	100

* These figures are exclusive of 6,196 employees stationed in Alsace-Lorraine and organized in a special unit. Not counting the latter, the total for the department here runs some 10,000 higher than that given in the tabulation on page 19. In working with French official statistics, one encounters such discrepancies not infrequently.

P.T.T., as indicated by the departmental budget of 1927 (see the preceding page), shows two-thirds engaged in postal operations, over a fifth running the telephones, a tenth, the telegraphic service, and the remainder, less than one per cent, on duty at departmental headquarters.

The size of the central staffs was 25 per cent less in 1927 than before the war, but the ensemble of postal personnel had increased 17.5 per cent, the telegraphic, 2.7 per cent, and the telephonic, 127 per cent. During the same period of fourteen years, postal traffic expanded 77 per cent and the number of telephone subscribers was augmented by 173 per cent. The telegraphic service, on the other hand, fell off 22 per cent and the pneumatic tube service in Paris dwindled 30 per cent.³⁵ The most significant trend in these five comparisons appears to be the marked discrepancy in the rates at which postal personnel and postal business have been growing. Whether this should be interpreted as an indication of greater efficiency in the utilization of labor or progressive under-manning is uncertain. The chances favor the latter conclusion.³⁶

The departmental regulations governing the admission and promotion of personnel in the P.T.T. fill three closely printed brochures aggregating in all more than 200 pages. As alterations are made, they are published in the monthly *Bulletin des P.T.T.* No French administrative unit quite equals the P.T.T. in the refinement of detail with which staff rules have been elaborated. This is accounted for chiefly by the fact that staff representatives, sitting in with superior officials, have successfully insisted upon safeguards and guarantees at every turn. As one scans the pages he gets a vivid sense of what this code of administrative "democracy" must have cost in terms of time, staff thinking, and ingenious compromise between

³⁵ *Rapport des P. T. T.* (1927), pp. 106-108, 116. The decline in telegraphic traffic was probably a result of the economic impoverishment of the *bourgeoisie*, its chief user.

³⁶ During a period of five months in 1927, the writer had the experience of losing twelve letters and three packages through the Paris postoffice. Complaints about the slow and careless handling of local mail were then chronic.

"militants" and "chiefs." Seemingly every nook and cranny is covered by a rule—usually a special one! The residue of discretionary authority has become negligible.

Even if space here permitted, it would be wearisome to describe fully the regulations affecting each of the sixty odd different types of employment in the P.T.T. Broadly speaking, the gateways into the department fall into three groups corresponding with the main employment categories already outlined. Advancement after entry is confined, with few exceptions, to the superior grades within the same category. Stated differently, this means separate recruitment for mechanical-manipulative and executive-administrative work, with intermediate promotion barriers. These horizontal barriers may be broken through by ambitious employees in inferior categories only by acquiring the prescribed educational prerequisites and successfully surviving the *concours* or qualifying examination set for outsiders seeking admission to the higher category.

The basis of *intra*-category promotion varies with the category. In the mechanical-custodial classification it is chiefly by competitive examination limited to employees with the specified seniority in inferior positions. For example, shop foremen (*chefs d'atelier*) in the electrical branch of the service are selected by competitive examination from road foremen (*chefs d'équipe*) and chief linemen (*chef monteurs*) "with at least one year in the latter grades, of good deportment, rated *très bien*, and having had at least five years of active work on the lines." ³⁷

While in the manipulative category, promotional examinations are also the rule, access to a limited number of grades is determined by seniority, as tempered by rejection for those rated below a certain minimum, or recognized temporarily as unsuited for the duties involved in the superior posts.

Maximum age limits are also set for a good many types of manipulative work. Thus loaders of mail sacks (*chargeurs*)

³⁷ *Arrêté* of 12 Feb., 1921.

are chosen exclusively from among office watchmen (*gardiens de bureau sédentaire*) and letter carriers rated *très bien* and not over thirty-five years of age. For the position of railway mail clerks, however, *chargeurs* with similar ratings are selected regardless of age.

As a matter of fact, throughout both of these subordinate categories there is comparatively little opportunity for advancement in rank. Internal promotion avenues are short and tortuous. For most of the thousands of workers, male and female, who carry the physical burden of running the country's communication services, minor increases in pay, at fixed intervals, up to the top limit of their grade, are all that may be expected—and all, be it added, that most deserve in terms of individual competence.

In the executive-administrative category (*service général*) not only is promotion much less conditioned by examination, but its paths are longer and wider. The majority of the clerical, stenographic, and other subaltern employees entering this intermediate category while still in their twenties have an excellent chance of elevating themselves one or more steps to positions as bookkeeper, accountant, controller, junior supervisory officer, or postmaster (up to and including 3rd class) without further examination, provided their ratings equal *très bien* or better. A smaller number will advance to "administrative" posts in the field services as inspectors, postmasters 1st and 2nd class, directors and assistant-directors; or become heads or assistant heads of bureaus, divisional directors in the central offices of the department, or occasionally inspectors-general.

A uniform pre-requisite for all the foregoing promotions in rank except the last two is inscription on the promotion list for the respective grade. In addition, aptitude tests must be taken in certain instances, notably by subordinate agents who belong to the "executive" designation of the field establishment and who are candidates for promotion to assistant bureau chief at departmental headquarters.

The establishment of the permanent career principle for the filling of high administrative posts in the P.T.T. is looked upon by the leaders of the staff *syndicats* as one of their most signal victories over the government. It is with pride that they cite examples of secretaries-general who have climbed step by step from initial subaltern positions to the apex of the hierarchy.³⁸ So iron-clad are the safeguards that nepotism and political manipulation, it is claimed, have been totally eradicated. From the standpoint of the petty employee casting longing glances up the departmental ladder, all of this seems the essence of fairness. To him it is no concern that "inbreeding" may be carried to excess. What an occasional infusion of fresh blood into a large-scale enterprise may do to "tone it up" and cut through stereotyped processes, he can scarcely be expected to appreciate. Yet the closed system of promotion has by no means eliminated resort to subtle flattery and servile self-ingratiation. "In many ways," remarked a level-headed postal employee to the writer, "the latter are worse than the rampant favoritism of the days before the P.T.T. became self-constituted. Demoralizing intrigue is constantly going on to win the favor of the secretary-general and divisional directors for promotion to coveted posts."

Lower down the scale, where bi-partite promotion boards hold sway, advancement on a quasi-seniority basis has been the outcome of favoritism. For the enthusiastic advocates of administrative, and for that matter industrial, "democracy," the practical workings of these bi-partite boards are indeed illuminating.

Let us take as an illustration the way in which the boards operate in the administrative-executive category (*service général*).³⁹ For every permanent employee a detailed service record (*feuille de carrière*) is made up immediately upon

³⁸ One secretary-general, for example, began his career as an ordinary postal clerk; another, as a telegraph messenger boy.

³⁹ As previously indicated, promotion boards are used much less extensively in the lower reaches of the service, where special examinations normally determine advancement in grade.

entry into the service.⁴⁰ This record consists of a large sheet (about 12 by 18 inches) which folds in the middle across its longest dimension. It is kept in triplicate, one copy being held by the employee himself, the second by his immediate superior, and the third by the head of his office or division. As ratings and other entries are inserted year by year, the *feuille de carrière* becomes a complete summary of the employee's performance record to date. Indicated thereon are the various positions he has held, his family status, educational degrees and diplomas, linguistic qualifications, sick leaves, disciplinary measures, in addition to (1) annual ratings under thirty or more specific heads and (2) a general estimate of his suitability for promotion to such and such a position.⁴¹ If the head of the unit concerned so desires, he may enter a different general estimate opposite that of the immediate superior. Without exception, the form must be signed by both superior officers.

In the course of his rounds, each field inspector is expected to examine with particular care the records of all employees rated *hors ligne* (excellent), or especially recommended for promotion in rank, or on whom strikingly unfavorable reports have been made. If there is any cause to suspect the motivation of these atypical ratings, the inspector is supposed to check them by personal observation and inquiry.

In the exterior establishment the foregoing service records go through the hands of three "classification" boards superimposed one upon another: first, to a local (*départemental*) board; then to a regional one; and finally to a central board in Paris.⁴² In the case of central staffs, the local and regional boards are replaced as needed by "divisional" boards. The

⁴⁰ Cf. Appendix B, inserts two through four, for a facsimile of this record sheet. The fifth insert is the form on which the employee's preference as to promotion or transfer is indicated. The P. T. T. has been more progressive than other services in improving personal service records.

⁴¹ The ratings are made according to the following scale: *hors ligne*, *très bien*, *bien*, *assez bien*, *médiocre*, and *mal*.

⁴² There are also eight special boards for the initial ranking of the personnel of railway postoffices.

composition of each of these boards includes a designated number of members *ex-officio* and two representatives of each group of subordinate employees into which the staff personnel is divided for the purpose. Those two employees receiving the highest number of votes from their colleagues, grouped locally, regionally or nationally, become their representatives on the appropriate local, regional or central board.⁴³ These elections are conducted by secret ballot, under rules minutely designed to prevent fraud or error, and only on days prescribed by the Administration of the P.T.T.⁴⁴ Well in advance of the meeting of any board a list containing the names of its elected members is posted on appropriate office or departmental bulletin boards. Within fifteen days following each election the results may be protested by any member of the staff group affected.

Normally, each board has an odd number of members, so that in case of a tie, the chairman, who is invariably the highest ranking officer, may cast the deciding vote. Where there are differences of opinion, decisions are reached by a bare majority vote of those present, the method of voting being by the raising of hands. Since the elected members may vote only upon questions relative to the personnel of their own constituents, they always stand in the minority. This fact, however, does not prevent them from influencing the deliberations disproportionately to their numbers. In the sub-altern grades they tend to act as delegates carrying out explicit mandates from their respective *syndicats*.

The work of the hierarchy of promotion boards may be divided into (1) the selection of employees for salary increases (*avancement de classe*) and (2) the preparation of lists for promotion in rank. In principle, advances in salary are granted by seniority in accordance with the schedule fixed for each grade. To qualify for an increase, the candidate

⁴³ The four next highest are designated as alternates.

⁴⁴ If no election results, selection is made by lot. The mandate is renewable.

must first of all have served a prescribed minimum period at the existing level. Depending upon the grade, this period ranges from two to five years. Secondly, he must have been certified by the immediate supervisory officer as having satisfactorily done his work during the preceding year. Having met these conditions, the employee becomes entitled to inscription upon an annual salary list drawn up for his respective grade or group. During the ensuing year increases in pay are accorded in the order in which the names appear on this list, in so far as the limits of the budget ear-marked for that purpose permit.

In calculating seniority standings, rating officers and promotion boards, until the system was changed in 1928, classified employees in three ways: *au choix*, *au demi-choix*, and *à l'ancienneté*. Those chosen *au choix* were allowed a priority (*bénéfice*) of three months over those selected *au demi-choix*; similarly, the second group received a three-months' priority over those classified *à l'ancienneté*.⁴⁵

Since 1926 a slightly different method of allotting salary advances has been used. Now all whose work is certified as satisfactory are listed for *avancement de classe* at the expiration of the normal minimum periods of service at existing pay levels. On all remaining employees special reports must be submitted in triplicate, with detailed reasons why they were not so certified. For example, an officer may feel that one of his subordinates has done such brilliant work that he deserves to be rated *hors ligne* and thereby recommended for an increase before it would normally become due. Contrarywise, it may seem desirable to penalize mediocre or poor work by slowing up *avancement de classe*. Thus a rating officer might recommend that for a certain employee a delay of three months after the date when an advance would ordinarily be due; for another, he might propose a still longer delay; for a third, outright elimination from the list for a given year.

In practice, deviations from the "norm" are exceedingly

⁴⁵ Differently colored sheets are used to distinguish these priorities.

rare, whether for exceptionally distinguished or for flagrantly poor service. The reason why is by now an old story. It is primarily the incessant desire of superior officers to avoid having to justify the motivation of special treatment of staff members before a committee containing both peers and subordinates.⁴⁶ There exists a genuine fear of "*toutes les histoires embarrassantes*" which may grow out of such episodes and be troublesome later, particularly in cases where employees proposed for retarded advancement invoke in their behalf the solidarity of a powerful *syndicat*.

What happens is that, with few exceptions, increases in remuneration are allotted in conformance with the fixed seniority schedule. This appears to be as true of the new procedure as of the old. During the last year the latter was used, of 20,472 pay increases granted without promotion in rank, between 71 and 100 per cent, depending on the grade, were distributed *au choix*, which might be regarded as the then normal method; although in two subordinate grades—5th class postmasters and women clerks—as many as 17 and 28 per cent respectively received delayed increases.⁴⁷ Under the new procedure adopted the following year both the aggregate total of pay increases and the proportion allotted "normally," as shown by the table on the next page, ran roughly the same.⁴⁸ It is clear from this tabulation that, as the hierarchy is ascended, increases in pay are awarded more and more automatically. As a sanction for mediocrity, temporary delays seem to apply only to clerical and minor executive grades. How effective the sanction is on lazy and indifferent employees one can only conjecture. One suspects it makes little impression upon them.

While the procedure for selecting employees for promotion in rank varies in detail from the foregoing, the general outcome is not much different. First of all, each employee who

⁴⁶ Employees may enter complaints in writing within eight days.

⁴⁷ From the table published in the *Journal Officiel*, 8 Nov., 1927.

⁴⁸ Compiled from the *Rapport des P. T. T.* (1927), p. 76.

P. T. T.—SALARY INCREASES WITHOUT PROMOTION IN GRADE
(1927)

EMPLOYMENT GRADES	NUMBER OF IN- CREASES	% GRANTED NORMALLY	% GRANTED BY DE- LAYED SCHEDULE
Assistant Directors	3	100	
Inspectors and Engineers	174	100	
Postmasters: 1st, 2nd, 3rd Classes	76	100	
Section Chiefs	1	100	
Assistant Engineers	6	100	
Brigade Chiefs	70	100	
Rédacteurs	365	99.73	0.27
Controllers and Chief Mechanics	744	98.92	1.08
Clerks	4,764	92.84	7.16
Postmasters: 4th, 5th, 6th Classes	1,530	89.56	10.44
Women Supervisors	307	99.68	.32
Women Clerks and Stenographers	9,615	83.08	16.92
Bookkeepers and Copyists	81	92.59	7.41
Totals	17,736	88.35	11.65

desires to be considered for promotion or transfer must indicate on a special form that he is "at the entire disposition of the Administration for the grade of . . . stations or services preferred. . . ." This is for him a *sine qua non* initial move. Those failing to act rule themselves out of consideration by their local promotion board. The second requirement is a rating of at least *très bien* with a view to fitness for performing the duties and assuming the responsibilities of the higher grade or post being solicited.⁴⁹ Thirdly, the employee must have the minimum seniority fixed by the regulations for the position he then occupies.

All who satisfy these three conditions are entitled, unless they will attain the legal retirement age during the ensuing year, to be placed on a preliminary *liste de classement* by the appropriate local board. Those whose names are still left on the list for the preceding year go automatically on the new

⁴⁹ Rating officers are given elaborate instructions as to what criteria to consider. Special emphasis is placed upon the ability to handle subordinates.

one unless they have by then passed the maximum age limit, refused the post offered them during the year just closing, or have in the meantime fallen below the prescribed minimum aptitude rating.

When ready, the preliminary *listes de classement* are transmitted to the regional board, where they are assembled and revised. During the course of revision, a certain number of the names originally proposed are eliminated.

The third and final step is the preparation by the central board of a definitive departmental promotion list for each grade or type of employment in the *service général* of the field establishment. On these final lists the maximum number of names is limited to twice the number of vacancies estimated as likely to occur in the administrative grades and three times the number in the executive grades. However, if the remainder left over from the preceding annual list is equal or superior to the above maxima, they may be exceeded on the new list by one-half the number of administrative and the totality of executive vacancies. The Director of Personnel submits to the central board the number of inscriptions possible for each grade, together with the total number of candidates proposed on the regional lists he has received. These figures determined, the board proceeds, by majority vote (1) to settle the fate of the holdover candidates and (2) to pass upon whatever complaints may have been entered by disgruntled employees. The slate is then clean for examining the individual *dossiers* of the new candidates.

For the more responsible posts, e.g. central bureau chief, *directeur départemental*, *directeur du service ambulancier*, chief engineer, and postmaster, the regulations require that this examination be conducted with meticulous thoroughness. Candidates are given an aptitude score by members of the board individually on a scale of four. After averaging the scores, the Director of Personnel pronounces what, in his opinion, should be the collective rating of each candidate. If any member of the board objects to this rating, a vote is taken, three-fourths

being necessary to maintain any of the highest scores, a bare majority sufficing in the other cases. The lowest quartile is ipso facto eliminated from the competition. The names in the other three quartiles are then reconsidered, in descending order by quartiles and in the order of salary seniority by individuals. The survivors of this double scrutiny constitute the final departmental list, which is, of course, arranged on the basis of "selective seniority" just indicated.

For all other grades, the board simply goes down the total lists of names proposed, in the order of their seniority in existing pay classes, and eliminates or inscribes individual candidates en route.

After definitive sanction has been given to the final lists by the Under-Secretary of State for the P. T. T., they are published in the departmental *Bulletin*. Current transfer lists are also circulated so that staff members may know to what locality they are likely to be moved in case of promotion. Transfer and assignment have been particularly vexing problems to handle in the P. T. T. because so many of its employees are recruited from southern and southwestern France. Certain regions, like Bordeaux, Toulouse, and the Midi, are much sought after. Formerly, political influence was necessary to secure recognition of geographical preferences submitted by the department's staffs. Susceptible as it was to flagrant abuses, this situation has been partially remedied since the war by arranging these requests in order of seniority and making assignments accordingly. It has become necessary, however, to permit deviations (*dérogations*) from this order in special circumstances, notably where the moving of large families is involved, where husband and wife, both of them P. T. T. employees, wish to live in the same town, and where war widows or employees in poor health are concerned.⁵⁰ But

⁵⁰ Postal employees cite frequent instances in which transfers, definitely promised, are for one reason or another not made. Cf. *Les Cahiers*, 10 May, 1922, for a case where a clerk, on the strength of such a promise, rented an apartment in another town and shipped part of his furniture to it, only to be informed subsequently that he

the "special" situations in turn grew so numerous that an adjustment had to be made, as a result of which assignments are now rotated between seniority and *dérogations* on a percentage basis. It goes without saying that occasional transfers are also made for disciplinary reasons.

One of M. Fayol's most severe criticisms of the administration of the P. T. T. directly applied to this matter of staff assignment: "Passage from one service to another at the time of promotion appears to be promiscuous. Generally little or no attention is paid either to the individual employee's aptitude or to the needs of the service. Not even the head of the office or division concerned is consulted. Thus it is evident that a great many functions must be badly performed."⁵¹ This indictment, I am inclined to believe from other sources of information, is probably somewhat exaggerated. The number of territorial transfers in an organization covering the entire country like a net is necessarily large. The average number per year and employment category was officially indicated to me as follows:⁵²

Administrative officers	100,	or 1 out of 40
Executive officers of advanced grade	1,200	} or 1 out of 10
Subordinate executive staffs	5,000	
Manipulative employees	4,500,	or 1 out of 16
Technical workers and ordinary laborers	1,000,	or 1 out of 15

Taking postmasters and postmistresses alone, one finds that perhaps a third of an annual quota of advancements in class involve territorial transfer. Most of the latter occur among the more important offices, because the direction of smaller offices, and especially the sub-offices, is confined chiefly to women who run, alone or with their husbands, village shops in conjunction with their postal duties and who do not care to go elsewhere even though a higher scale of pay is the bait.

was to be transferred to a different post. A protest from the League for the Rights of Man ultimately induced the authorities to carry through the original transfer.

⁵¹ *Op. cit.*, p. 52.

⁵² Reply to the writer's questionnaire, 28 May, 1927.

For the advanced executive and administrative grades, the ratio of transfers to total personnel differs but little from that of promotions. In 1926, for example, 104 administrative employees were promoted and 100 transferred, while 5,600 executive employees won promotion as against 6,200 who were transferred.

It would appear that the degree of interchange of personnel between central administration and field establishment is exceedingly small. *Rédacteurs* are almost never transferred from departmental headquarters to provincial posts. Conversely, it is rare for a district *directeur* to be rewarded with a post in Paris as bureau chief; nor are controllers often made inspectors. With a view to injecting objectivity into the work of central supervision, such a cleavage, as in the Treasury, cannot be too strongly condemned. Casual visits to some of the "stuffy," routinized central offices are enough to convince one that their occupants need frequent changes of air and horizon.

By and large, promotion comes more rapidly for the central administrative staffs than for equivalent grades in the field. In the former it is possible to become a *rédacteur* at twenty-five, whereas the corresponding rank of controller outside cannot be reached until about forty. The most attractive postmasterships are said to go to men who are personally known to the "key" headquarters officials by reason of service under them. On the other hand, junior administrative personnel has in general the disadvantage of less independence in its work, frequent changes of residence, and the loss of bonuses for overtime work at the counter.

A more potent cause of inter-staff dissension is the strenuous conditions under which certain classes of manipulative employees are obliged to work.⁵³ Take, for example, the railway mail crews (*service ambulant*). They must labor often at night, irregularly, and overtime. There is little wonder that

⁵³ For a vivid picture of the P. T. T. from the labor standpoint, cf. Laurent, *op. cit.*, 142-146, and especially L and M. Bonneff, *La Classe ouvrière* (Paris, undated), pp. 242-320.

these men have constituted the advance guard of militant postal syndicalism. Likewise, the work of the loaders of mail sacks is notoriously hard and poorly remunerated. As between the postal and telegraphic office staffs, the conditions of work favor the latter, for the former are constantly exposed to the demands of a biting, irritable public, to losses of money which must be replaced, and to the breathing of air made dusty by the handling of dirty mail bags.

What Sir Evelyn Murray has written of the comparative low rate of promotion in the British post office would equally apply to the French P. T. T. "The preponderance of routine work," observes Sir Evelyn, "makes the proportion of supervising appointments to the rank and file staff relatively small, and promotion in the direct line seldom comes at as early an age as either the department or the staff would desire. . . . The ladder of promotion is necessarily a narrow one, but it is there for those who are able to climb it."⁵⁴ In the French system few appointments to supervisory posts go to men under forty. That the average age runs higher than this figure for assistant bureau chiefs and upward is shown by the following table.⁵⁵

Divisional directors	54
Inspectors-general	53
District directors	51
Bureau chiefs	49
Assistant bureau chiefs	42
Inspectors	40

Perhaps, as Fayol has intimated, younger men with brilliant potentialities as administrators might more frequently be singled out for high posts if there were separate promotion avenues for the functional branches of the enterprise instead of staff amalgamation.⁵⁶ But it is dubious whether the traditional aversion to "special treatment" under the existing

⁵⁴ *The Postoffice* (London, 1927), p. 190.

⁵⁵ Data submitted directly to the writer by the P. T. T. personnel office.

⁵⁶ Fayol argued for five distinct promotion lists for the postal, telegraph, telephone, money order, and savings bank branches respectively.

scheme of bi-partite representation would allow many additional outlets for exceptional talent to materialize. Moreover, the real advantages of unified staff management, fiscal as well as psychological, would be sacrificed.

F. MINISTRY OF PUBLIC INSTRUCTION

From the survey of training and recruitment presented in earlier chapters the reader is already familiar with the essential outlines of the administrative set-up of the national educational establishment of France. It will likewise be recalled that in the course of that survey we necessarily had to explain in greater part the major avenues and conditions by which members of teaching staffs in elementary or secondary schools could attain the status of professors or inspectors in the next higher educational category. Our present concern, therefore, may be largely limited to *intra*-category academic promotion and assignment.

To the French as well as the American educational world, this is a question of timely and vital interest. No phase of school and university management contains more perplexing aspects than the determination of the bases on which teaching staffs shall be rewarded, in terms of pay and rank, for their professional services. The problem varies greatly as the educational ladder is mounted. In America, of course, it is especially complicated by the competition of different school systems and institutions of higher learning against one another for instructional personnel. Not least, finally, is the difficulty of how to discover and develop capable administrators from the teaching corps, or elsewhere.

In France the situation contrasts sharply from what it is in the United States in two important respects. First, the fact that there is but a single public school and university system for the entire country means that inter-institutional competition in the filling of instructional posts is uniformly regulated along carefully formulated lines. From the staff standpoint

this ensures the periodic consideration of the claims of every one to advancement or transfer in contradistinction with the unsystematic, haphazard practices which characterize American education, where promotion, at the upper level at least, comes more as a result of special pressure than anything else.⁵⁷ In the second place, the control over the allocation of advancements in salary and rank is much more democratic in the French system than in American practice. For syndicalist ideas of "self-government" and the like have deeply penetrated the ranks of French teachers—especially in the elementary and secondary schools—and left an indelible impress upon public educational administration. For good or ill, "high-handed" school boards and "tyrannical" deans give way in France to a hierarchy of advisory councils and committees, partly *ex officio* and partly staff-elective, culminating in a grand super-council (*conseil supérieur de l'instruction publique*) which is at once the Ministry's policy-shaping organ and its supreme disciplinary tribunal.

1. *Elementary school teachers.*⁵⁸ After completing their probationary stage of two years, young teachers (*stagiaires*) are permanently appointed to the lowest class of *instituteurs titulaires*. The latter, aggregating about 120,000 in all, are divided into six salary classes.⁵⁹ In each territorial *département* a promotion list is drawn up annually for each class by

⁵⁷ Cf., for a comprehensive survey of the methods of appointing and promoting instructional staffs in American colleges and universities, the *Bulletin of the American Association of University Professors*, Mar., 1929.

⁵⁸ Legislation and ministerial orders concerning elementary school staffs are conveniently codified in J. Soleil, *Le Livre des Instituteurs* (4th ed., Paris, 1927).

⁵⁹ In 1927 the number in each class ran as follows:

1st class	.....	34,960
2nd "	.....	18,534
3rd "	.....	20,662
4th "	.....	14,146
5th "	.....	12,360
6th "	.....	3,662

Almost 30 per cent, be it noted, were concentrated at the highest (1st) salary level.

a commission composed by the *inspecteur d'Academie*, the *inspecteurs primaires*, the heads of the men's and the women's normal school, and two delegates elected by the *conseil départemental* from its own membership.⁶⁰ The names on these lists are arranged exclusively in order of seniority. The right to be inscribed thereon is limited to those with six years or more of service in each of the three lowest classes (6th, 5th, and 4th), or seven years or more in the 3rd and 2nd classes. It is permissible, however, for the commission to select in addition thirty per cent of those who are not already on the list by reason of the above-mentioned conditions and who have served at least four years in their class.

A beginning teacher of average ability may ordinarily not anticipate reaching the maximum salary level in less than thirty-two years. If he is of outstanding ability, he has a thirty per cent chance of reducing this period to twenty years, but no lower. As a matter of fact, it is a rare teacher who ever accomplishes this feat, and numerous cases were brought to my notice of *instituteurs* remaining in the lower half of the salary range for their entire careers. This point has long been a special grievance of the national *syndicat*, culminating in a formal resolution by its 1928 convention that the regulations should permit all *instituteurs* to attain the maximum salary level at not later than forty years of age.

The organized rank and file of the teaching corps are equally opposed to *avancement au choix* on the ground that it is impossible to devise any method of selection which will be wholly objective. The existing method is based upon annual *notices individuelles* submitted by the *inspecteur primaires* to the promotion commission. These *notices* consist of summary statements indicating (1) any distinctions or degrees obtained

⁶⁰ The *conseil départemental* is made up of the prefect, the *inspecteur d'Academie*, the *directeur* and *directrice* of the local normal schools, four members of the general council of the *département*, two *inspecteurs primaires*, two *instituteurs* and two *institutrices*. This body advises on the number and character of schools in the *département*, proposes curricular reforms, and acts as a local disciplinary tribunal.

during the year, (2) literary or scientific achievements, (3) the teacher's preferences regarding assignment to other localities, and (4) an appreciation of his work by the inspector, together with any recommendation the latter may care to make.⁶¹ What the *syndicat* would prefer is a simple quantitative scheme of rating, or none at all. It would be still better, according to this point of view, to grant salary increases automatically, except in cases where a delay of one year were inflicted as a penalty for misconduct. The more militant members favor the complete abolition of salary gradation as "a means of insuring a solid unity of the entire body of teachers."⁶² The high professional standards of the teaching profession, so this argument runs, constitute an adequate safeguard against slovenly or indifferent performance in the classroom.

Once the salary advancement list is completed by the commission, it goes to the *conseil départemental*. Although the latter body may neither add nor delete any name, it has the right to modify the order in which candidates proposed *au choix* are presented. The revised list is then transmitted by the prefect to the Minister of Public Instruction. Acting on the recommendations of a central advisory committee for elementary instruction, the Minister determines not only the definitive national list, but the number of salary advances which the budget will permit for the ensuing year. If, as is ordinarily the case, these advances cannot be stretched to cover the entire list, the holdovers are automatically placed at the head of the following year's list. Any excess of seniority in one salary class is accredited to seniority at the next higher level.

The assignment of teaching staffs for the ensuing academic year takes place in August. In each school district (*département*) the *inspecteur d'Académie* convenes a teachers' council

⁶¹ While "productive" scholarship is by no means unknown among French elementary teachers, they are expected to devote their energies principally to classroom work and study supervision.

⁶² In principle this point of view has been voted by several annual syndicalist congresses.

to advise him in this delicate task. Whenever possible a list of vacant posts is previously circulated among the members of this council. In making transfers, account is taken of the seniority, professional ratings, and preferences of the teaching corps of the district. It is explicitly provided that no teacher may be transferred without his consent unless for "the urgent necessities of the service," grave professional misconduct, or hostile local feeling so pronounced as to endanger the interests of public non-sectarian education should he remain. If a transfer is ordered on grounds of necessity, say, because of a reduction of staff personnel in a given school and a new post of equivalent rank is refused, the teacher concerned is liable to suspension of pay during the interval. Charges of professional misconduct involve due notice and hearing by the *inspecteur d'Academie* and prefect. Local demands for the removal of teachers come principally from reactionary clerical groups in towns where Catholicism is dominant. Although in most instances investigation shows that allegations that communism or atheism is being taught are unfounded, such episodes often lead to prolonged, bitter recriminations on both sides.

The vast majority of primary teachers naturally expect and are obliged to perform ordinary classroom duties throughout their careers. For the more ambitious, however, certain outlets into administrative or semi-administrative positions are possible. The most common of the latter posts are school principalships, which entitle the holders to a small supplementary stipend varying with the number of classes in the school and substantially reduce their teaching loads.⁶³ A limited number of state scholarships are available to young *instituteurs* or *institutrices* who wish to go on leave to prepare themselves at the university for positions as primary inspectors, instructors in "superior" elementary and normal schools, or as directors

⁶³ Ordinarily, these principalships are given to teachers senior in service. The normal teaching load of an elementary teacher is thirty hours a week.

of such schools.⁶⁴ Appointments to these posts are made on the recommendation of the *recteur* and *inspecteur-general* on the basis of special aptitude lists drawn up by the central advisory committee to which we have previously referred. Their scale of remuneration, as well as their prestige value, is somewhat higher than in the case of ordinary teaching positions in the primary schools.

(2) *Secondary School Teachers*.⁶⁵ In essence, the basic assumption underlying the advancement of *lycée* and *collège* instructional staffs is the same as what governs at the elementary school level. As we have seen, it is assumed that pedagogical efficiency naturally increases with age and experience and, therefore, that it should be rewarded by periodically increased rates of pay. Like *instituteurs*, titular *lycée* professors are grouped into six salary classes. Minimum class intervals, however, are slightly shorter, that is, uniformly five years. Until 1919 the allocation of salary advances took place *au choix*, but after a twenty-five year fight the professional association, now *syndicat*, of *lycée* teachers, succeeded in getting the principle of seniority established, at any rate to the extent that it applies to their *confrères* in the elementary schools.⁶⁶ The rôle now played by selection is confined to a maximum of thirty per cent of each class which may be advanced after three years if, on the basis of the inspector's reports, the central advisory committee for secondary educa-

⁶⁴ The "superior" elementary schools have a more practical curriculum. In them the sexes are segregated. The course is for three years, beginning at the age of twelve or thirteen. Paralleling the *lycées*, these schools remind one of the American junior high schools in which the vocational element is stressed. For children of pre-school age (two to six years), there are also a limited number of *écoles maternelles*, the staffs of which are exclusively feminine.

⁶⁵ L. Dion, *Recueil complet de la Législation de l'Enseignement secondaire* (Paris, 1927) gives a codification of all statutes and regulations affecting secondary school operation. The body of secondary school teachers numbers approximately 15,000.

⁶⁶ Notoriously conservative, the rank and file of *lycée* teachers were slow to adhere to the syndicalist movement. It was not until well after the war that they really manifested signs of professional solidarity, and a substantial minority still cling to a stubborn individualism outside the syndicalist bailliwick.

tion so decides.⁶⁷ Where two or more individuals have the same seniority rank in a given class, the order of their names on the annual list is determined by their aggregate seniorities from initial appointment.

In view of the thirty per cent provision, it is theoretically possible for the better *lycée* teachers to attain the topmost salary for their instructional category in fifteen years, or ten years less than for those advanced according to seniority. But here again little use seems to be made of the incentive to individual effort that might come from a selective speeding up. On the copy of a current salary advancement table which came to my notice, almost all the names were listed according to seniority. In conversation with an able young woman teacher in a provincial *lycée*, I was informed that "only three *lycée* teachers in all France were promoted *au choix* last year (1926). . . . The usual situation," she added, "is for everybody to be rated favorably."

This view was confirmed by the head (*provisieur*) of one of the best known *lycées* in the Paris region. "Whether a professor is good, bad, or indifferent, he is advanced in his turn just the same. There is no incentive under the system to undertake individual writing or research or to experiment with new pedagogical techniques." Some weeks later when I ventured to raise this point with the Divisional Director for Secondary Education at ministerial headquarters, the latter gentleman adroitly parried my query. "The high sense of professional duty," he said, "is enough to keep most (*sic!*) professors conscientiously on the job!"

Though one may be permitted a doubt concerning the adequacy of this reply so far as pay increases are concerned, there are special professional and pecuniary incentives which somewhat minimize the area of its application. The first of these special incentives is the possibility of winning an assignment to a *lycée* located in the national capital, appointments to

⁶⁷ This committee consists of the corps of *inspecteurs-généraux* under the chairmanship of the Director of Secondary Education in Paris.

which are taken from a special aptitude list drawn up each year, and which are greatly in demand because they not only confer higher remuneration and professional prestige, but permit one to enjoy Parisian cultural advantages. Since, however, the number of Parisian posts is necessarily limited, relatively few can hope to win one of these coveted prizes, while some who have the chance prefer for one reason or another to remain in the provinces.⁶⁸

As another inducement to professional effort those members of the secondary instructional corps who have the time, opportunity, and ability to take a doctor's degree may look forward to the probability of being "promoted" to the rank of *maître de conférence* in a university faculty of letters or science.

In the third place, the number and variety of administrative posts open to teachers in secondary institutions is much larger than for *instituteurs*. The educational supervision of each *lycée* is entrusted to a *proviseur* (or *directrice*, if a girls' *lycée*), whose functions suggest a cross between an American high school principal and college dean; and a *censeur*, or vice-principal, who replaces the *proviseur* when the latter is absent or ill and who also acts as disciplinary officer.⁶⁹ Neither of these officers has much class work to give.⁷⁰ To the salaries attached to their professional class are added free lodgings and modest special allowances (*indemnités de direction*) which vary directly with the size and importance of the *lycée*

⁶⁸ Less than a third are stationed in Paris.

⁶⁹ The administrative head of a municipal *collège*, slightly inferior as regards quality of instruction to a *lycée*, is called a *principal*. In both types of institutions there are also a *surveillant-général*, who acts as a sort of house "proctor" of the boarding students, and an *économe*, or superintendent of buildings and grounds, recruited from the central offices of the Ministry of Public Instruction. *Lycée* teachers loudly protest against the multiplication of petty administrative posts. One famous Parisian *lycée*, the writer was told, has an administrative staff of nearly 100 for a student body of only 1,000! Both boarding and day secondary schools are non-co-educational, and the enrollment is limited to 1,000, with a maximum of thirty-five to forty pupils per class.

⁷⁰ The regular weekly teaching load is fourteen hours in Paris and fifteen in the provinces. For principals this is reduced to five to ten hours.

(or *collège*). On the other hand, since their administrative duties involve rather heavy responsibilities and shorter vacations, with little chance to do any outside work, the number of first-rate applicants for these posts is seldom large. It is very significant, too, that no *lycée* head is ever chosen from its own staff.

The third outlet for ambitious secondary teachers is the inspectorate of the Ministry of Public Instruction. Some ninety positions as *inspecteur d'Académie* (one for each *département*) are filled from a special list of *lycée* professors (applying while still in their thirties) by a ministerial committee of *recteurs* and inspectors-general. Although hierarchically superior to the task of teaching and better remunerated, the *métier* of *inspecteur d'Académie* is said to be nerve-racking, what with constant pressure from the prefect on the one hand and the *syndicat des Instituteurs* on the other regarding appointments. The highest administrative prize to which a *lycée* teacher may aspire is to become one of the seventeen members of the inspectorate-general and serve as "the eyes" of the Ministry over the entire country. Ordinarily, the gateway to this latter corps is by filling, as it were, an "apprenticeship" as *inspecteur d'Académie* in the city of Paris, where one can become accustomed to judging the work of professors and principals distinguished enough to be stationed therein. In fact, unless one has taught or acted as principal in a Parisian *lycée*, his chances of ever landing a general inspectorship are reputed to be almost negligible.

In theory, the choice of men for assignment to the staffs of the "best" *lycées* for promotion to university faculties, as well as for the various administrative posts which have just been enumerated, rests wholly upon individual merit. The system of reporting on the quality of teaching, however, appears to be only fairly effective. Once a year each *lycée* (and *collège*) is visited without warning by the inspector for each subject in the curriculum. Tarrying a day or two only, this inspector ordinarily has but half an hour or so to give to each

teacher. He is instructed to pay particularly close attention to the younger members of the staff and look especially for those who are distinguished by hard work, devotion to duty, energy, initiative, and the power to command respect. In making his own report, he is expected to take into account the *provisieur's* annual report on his staff, a detailed document not conforming to any set model. Nor are uniform rating sheets used by the inspector, who, in the course of a few years, comes to know personally all the teachers of the subject for which he is responsible. Frequently, he will confidentially advise individual teachers to alter their annual "preferences" as to posts when he knows they will stand better chances elsewhere.

The *provisieurs'* and inspectors' reports serve as the "raw material" for the deliberation of the ministerial advisory committee in Paris. In contrast with the promotion boards in the P. T. T., this group does not resort to formal voting, but reaches a consensus of opinion after free and easy discussion. In listing by merit the candidates for vacant posts, the committee is said to weight research and writing less heavily than teaching or administrative ability, although the general academic emphasis in France would suggest the reverse.

There is substantial evidence that political influence and nepotism still count for a good deal in the distribution of attractive posts, and even more in administrative appointments. "The great thing for the mass of secondary instructional personnel," remarked one of their number to the writer, "is *changement de résidence*, for that means a better location, perhaps smaller classes, or a more desirable school."⁷¹ The demand for transfer usually exceeds the supply of attractive teaching posts. While all the requests are supposed to be considered on their merits, in order of seniority, it appears that those applicants who can induce some deputy or senator or *grand savant* at Paris to say a good word or write in their behalf, or who have "pull" with an inspector-general, are

⁷¹ This same teacher had six months earlier sent in a request for transfer, but had heard nothing from it.

likely to receive preferential treatment. At the same time, it is doubtless true that many of the recommendations which inundate the Ministry do, as the Director of Secondary Education observed to the writer, "tend to neutralize one another, the deputy being interested mainly in getting a reply to his letter which he can show to his constituent."⁷² While this interview was in progress the Director excused himself to answer a telephone call from a deputy who was apparently complaining about a certain principal of the girls' *lycée* in his town. The Director guardedly replied: "Doubtless she does have minor faults, but also many excellent qualities!"

More insistent was the contention of three distinguished Parisian *professeurs de lycée* that the majority of general administrative posts in the Division of Secondary Education are filled, through political or personal favor, by those men who can bring to bear parliamentary or other outside pressure or who are tied by intimate friendship with the director or inspector-general.⁷³ This is not to say that such appointees do not possess the prescribed professional qualifications and academic experience, but rather that they are more often "*des gens convenables et flatteurs* than men characterized by scholastic brilliance or outstanding executive qualities."⁷⁴ To thousands of American teachers and professors accustomed to the prevalence of this type in charge of their establishments, the above characterization will suggest another *rapprochement*

⁷² The rules governing involuntary transfers are the same as for *instituteurs*. Such transfers occur only in cases involving political or personal scandal. "Suppose," remarked a venerable *lycée* professor to the writer, "one were to deliver a public discourse against sending troops to Syria or in favor of communism. He would probably be removed to some place like Corsica, *le pays de disgrâce*!" In contrast with their *confrères* in the elementary schools, few *lycée* teachers are inclined to resort to radical utterances whether inside or outside the classroom.

⁷³ The advent of women into secondary instruction is still too recent to permit them to win inspectorships.

⁷⁴ Such was the phraseology employed by one of the most brilliant teachers of literature in all France whose published pedagogical works have an international reputation, but whose identity the present writer promised to conceal.

between the French and the American educational systems. Scratch the skin of a mediocre teacher and you are likely to find a potential supervisor, principal, or dean, so the plaint runs, with more or less justification, in both countries!

(3) *University Instructional and Research Staffs.*⁷⁵ The division of superior instruction naturally comprises a much smaller and more select teaching corps than either of the other two divisions. The former corps is also contrasted from the others in that the conduct of scientific and literary research is regarded as an important function as teaching in evaluating the services of university staffs. The French are wont to express this difference by an epigram: university professors "create knowledge," whereas secondary and elementary school staffs merely "instruct it." A third difference is that members of university faculties are somewhat more differentiated as to rank than their fellow pedagogues in *lycée* and elementary school.

How the 2,000 or so members of the faculties of the seventeen State universities were distributed in 1927 among the different faculties and professional grades may be seen from the tabulation given on page 404.⁷⁶ The recapitulation at the bottom is intended to show the percentage of posts by grade beginning with *agrégés* (in the Faculties of Law, of Medicine, and of Pharmacy) and *chargés de cours*, or *maîtres de conférences* (in the Faculties of Letters and of Sciences).⁷⁷ Counting deans among the full professors (*titulaires*), we discover that the number of chairs at the highest level equals roughly 70 per cent of the total number of permanent, full-

⁷⁵ For the institutions of higher learning the governing statutes and ministerial regulations are chronologically compiled in J. Delpuch, *Le Statut de l'Enseignement supérieur* (Paris, 1922).

⁷⁶ This table omits the staffs of the *Collège de France*, special institutes, State museums, and libraries, all of which are under the nominal jurisdiction of the Ministry of Public Instruction and Fine Arts.

⁷⁷ Technically, this tabulation should also include *préparateurs* and *chefs de travaux* in the Faculties of Science, but they represent subaltern grades held prior to completing work for advanced degrees (like American graduate assistants).

DISTRIBUTION OF UNIVERSITY STAFF PERSONNEL
(1927)

FACULTIES	GRADES	PARIS	PROV- INCES	TOTALS	PER- CENT- AGES
Letters	Deans	1	14	15	272
	Professors	32	132	164	
	Chargés de Cours	31	42	73	
	Maîtres de Conférences				
	Curator	1		1	
	Foreign Lecturers		19	19	
Sciences	Deans	1	14	15	498
	Professors	32	132	164	
	Chargés de Cours	22	51	73	
	Lab. Technicians	21	53	74	
	Curators	2		2	
	Assistants	59	111	170	
Law	Deans	1	12	13	222
	Professors	33	153	186	
	Agrégés	3	20	23	
Medicine	Deans	1	6	7	841
	Professors	38	144	182	
	Agrégés	48	123	171	
	Chefs de Travaux	13	61	74	
	Curator		2	2	
	Clinical Technicians ..	144	261	405	
Pharmacy	Deans	1	2	3	100
	Professors	11	12	13	
	Agrégés	12	4	16	
	Chefs de Travaux	6	7	13	
	Technicians	33	12	45	
Totals		546	1,387	1,933	
Recapitu- lation by Principal Grades	Deans	5	48	53	5
	Professors	146	575	721	64
	Agrégés	53	147	200	18
	Chargés de Cours		93	146	13
	Maîtres de Conférences	53			
Totals		257	863	1,120	100

time posts. Thus about seven out of every ten men appointed to a French university faculty may expect to become a full professor before retirement. Of these seven, however, barely two can gain the supreme academic goal of holding a professorial post at Paris. One out of twenty may look forward to becoming a dean. These ratios vary greatly as between law and medicine on the one hand and letters and sciences on the other, to the advantage of the personnel of the former faculties.

With regard to salary scales, university staffs are divided into two *cadres*—one for Paris and the other for the provincial institutions, the scale for the former being considerable higher than for the latter. Each grade of each *cadre* is subdivided into from three to five classes, which, as in practically all other administrative units, constitute successive hurdles over which every one must climb in order to reach the maximum salary. Upon initial appointment or promotion to a given grade, one automatically enters the lowest salary class for that grade. In principle, this rule applies even to full professors transferred by "promotion" from a provincial institution to the University of Paris, although occasionally a man may be jumped a class or two in the provincial *cadre* when named to Paris, where, however, he would invariably be placed in the lowest class for his grade.

Avancements de classe are allotted partly by seniority, partly by selection according to merit. For example, full professors in provincial universities automatically advance from the lowest (4th) class to the 3rd after four years, and from the 3rd to the 2nd after eight years. As many as one-half the vacancies in the 3rd and 2nd classes may be, and all of those in the 1st must be, filled by selection, a regulation which permits some men to advance at a faster pace than their colleagues. Similar combinations of seniority and selection are prescribed for granting pay increases to professors at Paris, as well as to the occupants of lower grades in all universities. For each advancement *au choix* the ministerial advisory com-

mittee of superior instruction, sitting annually in sections according to academic disciplines, proposes two names in order of merit after taking account of the recommendations submitted by deans and *recteurs*.⁷⁸ Although the Minister is free to choose either name, he ordinarily takes the first.

In practice, much more weight is given to individual achievement in selecting men for increases in pay in provincial universities than at Paris. An eminent professor of economics who had taught in two provincial Faculties of Law and then been "promoted" to the Sorbonne, called my attention to this distinction. "In the provinces," he ventured to remark, "there are numerous examples of young professors reaching the highest salary class while older men are still at the lower levels. But at Paris it is considered that, since every professor must be excellent and conscientious else he would not be there, increases in salary should follow seniority regardless of individual attainment. Thus a considerable number of Parisian *savants* have done no research for years because of lack of pecuniary stimulant." It would seem that even in a country which prides itself on its cultural traditions the urges of *pure* scholarship sometimes need to be supplemented by *material* inducements!

Where the really powerful incentive operates in the management of French university instructional staffs is in promotion in rank and assignment to more important faculty posts. For this operation a large degree of autonomy is granted to the universities on whose staffs are vacancies to be filled. Surprisingly enough, in an educational system as tightly centralized as the French, the control of each university's budget and internal development is lodged, within broad limits, in a council consisting of the deans and two representatives of each of the constituent faculties, along with certain outsiders chosen by the council. Similarly, fiscal and staff matters per-

⁷⁸ The membership of this advisory committee includes *recteurs*, deans, and a certain number of professors partly designated by the Minister and partly elected by their colleagues.

taining to each faculty are governed by the latter's own "council," in which all full professors are entitled to participate.⁷⁹ Shortly after any professorial chair becomes vacant through the death, resignation, retirement, or transfer of its occupant, the faculty council is convened by the dean. Meanwhile, the latter will have received and examined the credentials (degrees, teaching experience, publications, special missions, et cetera) of all the legally qualified applicants for the vacancy. After due deliberation, the council proceeds to "nominate" to the Minister a "first" and a "second" candidate.⁸⁰ Simultaneously, the "permanent section" of the central advisory committee of the Ministry recommends two names, which, in nine cases out of ten, are the same as those nominated by the faculty council concerned. The Minister customarily makes the appointment from these two to four names, though he may in his discretion select an "unnominated" person. The purpose of these double nominations is to provide a check upon a faculty group or clique when it is strongly prejudiced in favor of some "local" candidate supported by influential friends or relatives. In this event the central committee is apt to propose a different "first choice" deemed superior to the local man, in which case the Minister will ordinarily appoint the former.

Broadly considered, this ingenious competitive procedure, known in French official terminology as the *présentation sur titres*, is said to give general satisfaction as well from the staff as from the official viewpoint. Cases of favoritism and nepotism, especially where a son or son-in-law of some eminent professor is the beneficiary, still occur; but they are not the rule.⁸¹ In the main the leading university chairs are filled

⁷⁹ For the discussion of curricular policy, the *entire* faculty meets as an *assemblée*.

⁸⁰ Since the leading candidates will almost invariably be known personally to one or more members of each faculty, interviewing in advance of appointment is rarely resorted to.

⁸¹ According to one French observer, however, family connections, political bias, and fear of professional originality are said to play an important rôle in the decisions on faculty appointments. This critic

by men who have gained distinction judged not by any success they may have attained as class room lecturers, but by their contributions to productive scholarship.⁸²

Nevertheless, the system now and then lends itself to serious political manipulation. The possibilities of its being abused arise from the practice of allowing professors to go on leave without pay for five years or less, without the loss of professional rights or immunities. Many of them accept positions in the offices of other government departments. Nearly every Minister is surrounded with professors, some as *chefs de cabinet*, others as divisional directors.⁸³ Having the Minister's ear at all times, they are strategically situated when it comes to subsequent promotion or assignment in the university milieu. Proximity to the "powers that be" confers a subtle advantage.

A famous instance in which a "professorial" *chef de cabinet* was selected over the first choice of a university faculty for a vacancy as *maître de conférence* occurred in 1925. Before this affair was over, it had attained the proportions of a full-grown political scandal which paved the way for the downfall of the Herriot Government. As personally related by the Dean of the Faculty involved, the facts in this case ran substantially as follows: ⁸⁴

The council of the Faculty of Law at Paris unanimously proposed M. Le Fur for the vacant post. This nomination was

suggests a more specialized "jury of selection"—mathematicians for mathematicians, historians for historians, etc. Cf. Maillard, *op. cit.*, pp. 177-215. But this view is not generally held.

⁸² In part at least, the amazing quantity of publication by French university professors may be accounted for by the exceedingly light teaching load—three to five hours a week—which they have to carry, along with their comparative freedom from routine paperwork and participation on committees, and the six month's vacation from lecturing which they enjoy.

⁸³ For many years the Director of the State Manufacturing establishments was a professor of chemistry who is said to have had a horror of tobacco!

⁸⁴ The Dean was M. Henri Berthélemy, whose standard treatise on French administrative law was constantly drawn upon in preparing the present volume.

concurred in by the central advisory committee, but M. Le Fur, whose scientific qualifications no one questioned, happened to have strong clerical sympathies. One of the Dean's former students, M. Scelle, of the Faculty of Law at Dijon, and a man of rather advanced liberal views, was then on detached service as the *chef de cabinet* of the Minister of Labor. Eagerly desiring a permanent university post in Paris, he made bold to suggest to his former teacher that he be "nominated" for the vacancy. The latter, however, categorically refused to accede to the suggestion because his faculty council had agreed to present only one candidate; whereupon M. Scelle explained that the Carnegie Endowment for International Peace intended to endow a new chair of international relations at the Faculty of Law and that he wished to apply for the chair. The Dean finally agreed to Scelle's being appointed to the latter position provided the regular procedure was observed, consenting as well to ask his faculty to present Scelle as second choice for the original vacancy, on the explicit understanding that the latter should do nothing to interfere with Le Fur's chances.

Then came the climax. The Minister of Public Instruction, on being informed, apparently by Scelle, that Le Fur had clerical tendencies, refused to appoint the latter and instead named Scelle to the post. At this juncture events moved in electric succession. The defeated candidate's brother, a Paris physician, gave the story to the press! Knowing only what they read about the bad political odor of the affair, the law students struck *en masse*, refusing to permit Scelle to give his course. The Dean upheld the students by posting a notice that the course would not be given. Ten thousand of them immediately paraded before his house applauding his action. The Minister suspended the Dean and the student colony became more vociferous than ever. Partly as a result of the reverberations of the incident in Parliament, the Ministry was defeated soon thereafter, the Dean re-instated, and Le Fur appointed.

The crux of the issue, of course, was that, despite his otherwise excellent qualifications, M. Scelle would hardly have been appointed originally had he not at the time been *chef de cabinet*. This point was properly emphasized by M. Barthélemy, himself a Professor of Law as well as deputy, when he interpellated the Government by demanding that the Faculty's prerogatives be respected. If not the letter, the spirit of the rules governing university appointments had been violated.⁸⁵

Apart from the relatively infrequent instances where professorial promotion is unduly expedited by ministerial favoritism, long and arduous work is necessary to attain the esteemed rank of *professeur titulaire de la faculté*. In M. Maillard's penetrating critique of French university instruction previously cited, the slowness and rigidity with which staff members are advanced in rank is singled out for an especially severe indictment.⁸⁶ For natural scientists in particular, comments this writer, thirty years or more must be spent in conscientious intellectual labor before the highest professional goal can be reached. It is argued, first, that there are too many salary levels, and second, that the number of full professorships is too small in relation to the number of *chargés de cours* and *maîtres de conférences*. Sometime, especially at Paris, a *maître de conférence* of outstanding capacity will never become titular professor simply because no vacancy ever materializes.

High officials of the Ministry recognize a certain force in M. Maillard's criticism. At the same time they insist that the average ages of the occupants of the various faculty grades give a less extreme view of the situation. In 1927 this age distribution was as follows:

⁸⁵ While declining to publish an opinion on this case because no statute had been violated, the League for the Rights of Man insisted at the time that a law be passed expressly prohibiting members of Ministers' cabinets from being appointed to any public office during their presence in the Ministry. Cf. *Les Cahiers*, 25 May, 1925.

⁸⁶ *Op. cit.*, pp. 121-129.

GRADES	PARIS	PROVINCES
Professors	50 years	40 years
Agrégés	40 years	35 years
Maîtres de conférences ..	45 years	35 years
Chefs de travaux	40 years	35 years

It is doubtful if the age range for corresponding academic ranks in most large American universities is much, if any, lower.

The crux of the difficulty, of course, lies in the fact that the number and ratio of academic posts in a centralized State system such as exists in France are not easily adjustable to changing conditions because of rigid budgetary limitations. The same thing has been true of French university salaries, which from 1883 to the period of the World War remained practically stationary. In times of fiscal stringency, the Ministry of Public Instruction is one of the first government departments to feel the "economy axe"; when public revenues are rising, its budget is one of the last to reap any substantial benefit therefrom.

A partial escape from this central budgetary rigidity has been provided in the establishment of locally supported and privately endowed posts. Several of the larger municipalities like, for example, Lyons, have, as seats of State universities, endowed special chairs in the history, geography, or other study of regional conditions. Likewise, a few private individuals have made bequests for the creation of such posts.⁸⁷ In order that the scale of remuneration of their occupants may always coincide with the regular State schedule, the Ministry of Public Instruction either covers any deficit there may be out of its own budget or allocates elsewhere the excess of income, so as not to give the incumbent a preferential pecuniary status.

Another step toward satisfying professorial *amour-propre*

⁸⁷ In 1919 there were forty such full professorships and the same number of posts filled by *chargés* and *maîtres*.

without additional monetary outlay was taken just after the war in creating a number of professorships *sans chaire* varying from a third to a half of the titular professorships in a given faculty.⁸⁸ The conferment of this new label upon deserving men of long and meritorious service as *maîtres de conférences* gives them the shadow without the substance of titular professorial rank. Their salary and indemnities remain unchanged, but they enjoy all the other prerogatives of the higher position. While to the materialistically minded such a distinction doubtless is regarded as an empty sop, it means not a little to the social and professional standing of many university men in provincial communities.

In terminating our consideration of university staff personnel, the interesting method by which French faculty deans are chosen deserves special comment. Here, again, a double-nomination procedure is followed. From among the titular professors of the faculty in question a double list of two names each is submitted to the Minister: one by the faculty *assemblée* (including all full-time members) and the other by the council of the entire university. The Minister makes the appointment from this panel of two to four nominees for a term of three years. A dean may be suspended or removed only by an order of the Minister with the reasons presented thereon. If removed, he may not be proposed again for three years. The tenure of deanships is exceedingly variable. Sometimes a faculty will refuse to re-nominate its dean at the close of a single term; more frequently, he continues in office indefinitely, i.e., until death or retirement.

The most significant aspect of the above procedure is that the collective faculty, as well as the university at large, can exercise a broadly representative control over the choice of its official head. Add to this the fact that the personal powers of the latter are restricted largely to presiding over faculty meetings, employing subaltern office and laboratory person-

⁸⁸ Decrees of 4 Jan., 1921. These appointments were formerly called *professeurs adjoints*.

nel, and preparing the annual budget, and one will realize how democratically French internal university policy (except the curricular sequences) is shaped and applied. Nor is any officer of a French faculty designated to act as "moral guardian" over private student conduct.⁸⁹ Whatever necessity of disciplinary action there may be is not only carefully confined to breaches of curricular rules, but is exercisable only by the university council, to which are added *ad hoc* representatives of the student body for deliberation on charges brought against any of their fellows.

(4) *Central Administrative Officers of the Ministry.* What has already been said at various points concerning the influence of political and personal bias in the selection of the inspectional corps of the Ministry of Public Instruction applies with greater force to the appointment of *recteurs* and central divisional directors. In the latter domain the minister of the day has almost complete discretionary authority to select whom he chooses. The only exception is the requirement that *recteurs* must have the academic degree of *docteur*. By tradition all these high supervisory posts go to men whose professional careers have been devoted to the service of public education. No minister would to-day dare thwart this tradition. To do so would undoubtedly be to precipitate a nasty interpellation in Parliament and a vociferous condemnation of the act by intelligent public opinion.

Yet, as one studies the background of this group of appointees, he is inclined to doubt whether sheer professional attainment is the determining criterion in many instances. Not infrequently one runs across that tell-tale phrase, "*chef de cabinet de Monsieur X, Ministre de l'Instruction Pub-*

⁸⁹ In other words, there is no French equivalent of the American dean of men or of women. From his own experience as a student under both systems, the writer is personally convinced that the French view that student morality develops as an empirical by-product of proper intellectual standards is more wholesome than the notion, still prevalent in American academic circles, that universities must deliberately attempt to mold character and set brakes on student conduct outside the classroom.

lique," and he wonders. His suspicions are scarcely allayed by conversations with professors of long experience and balanced judgment. In quasi-sarcastic vein, one of the latter fell to reminiscing about the "stupid" *recteurs* he had known, particularly about the one who was "*bête noire*" to professors as well as students,—how this gentleman had even refused to permit commuting *lycée* teachers to be served lunch at the *lycée* because it would be unfairly competing with private restaurants!—how his evil spirit lived on to the day of his death when the university students loudly bewailed the fact that they were not given a holiday!

Perhaps the weakest link in central educational organization, however, is the instability and lack of co-ordination which mark its direction. The tenure of the four division heads (including that of Fine Arts) may be, and occasionally is, disrupted by the shift of political power from Right to Left, or vice versa. Such insecurity is hardly conducive to the carrying through of a sustained educational program over a period of ten or fifteen years. Nor is there any single permanent official, like the Secretary-General for Foreign Affairs or the P. T. T., to develop and maintain liaison with the different branches. In the writer's efforts to secure information from various headquarters bureaus he was amazed at the intra-office and inter-divisional water-tightness which showed itself at almost every turn.⁹⁰ For lackadaisicalness and "red-tapish" befuddlement, the intermediate and subordinate personnel, recruited separately from the instructional establishments, could hardly be surpassed.

All of which suggests a final observation on the workings of the French State educational system: its virtues are many and admirable, but they are virtues resulting from a deeply-rooted national cultural tradition and a high appreciation of intellectual values, rather than from the sort of progressive,

⁹⁰ The creation of a general secretariat for this ministry is stressed among the reforms proposed in a thoughtful article entitled "*Le Ministère de l'Éducation nationale*," in *L'Europe nouvelle*, 17 Dec. 1927.

experimental, yet unified leadership that is indispensable if public education is to adapt itself to the bewildering needs of this dynamic age. The chances are that such leadership will not be developed so long as the avenues to high command twist through the fog of political machination and *camaraderie*, oblivious to the claims of the creative, innovating men and women working out in the sunshine of genuine professional capacity.

CHAPTER XIII

A MUNICIPAL CIVIL SERVICE: BORDEAUX¹

With a population of a quarter of a million, Bordeaux is the fourth city of France. Before the war, commerce, chiefly in wines, was the essence of its prosperity. But thanks to its splendid situation on the Gironde, only sixty miles from the Atlantic Ocean, it became almost overnight a great port of transshipment during the war—the port which fed, as it were, most of France, Italy, and Switzerland. For four months it also enjoyed the prestige of serving as the provisional seat of the French government; and from 1917 to 1919 it was one of the principal bases for the American Expeditionary Force. Miles upon miles of new docks, with extensive maritime freight facilities, were constructed along the banks of the Gironde just below the city. An important wartime industry sprang up, and the old town famous for its wines and liqueurs took on an animated American aspect which has never entirely disappeared. The city has many spacious parks and gardens, with broad, tree-lined boulevards forming a semicircle around it, the river serving as the curving diameter between Bordeaux proper and La Bastide on the other side. Bordeaux is also blessed with its full share of historic monuments, among which stands its imposing *Grand Théâtre*, the prototype of the more celebrated but less pleasing Paris *Opéra*.

The natural gateway to French colonial Morocco and West Africa, Bordeaux has also been since 1915 the home of the leading French colonial exposition, held each spring on the

¹ Reprinted, in condensed form, from the *Nat. Municipal Rev.*, Dec. 1928, by permission of the editor. Bordeaux was selected for this bird's-eye view of municipal personnel practices because it is typical of French cities of intermediate size.

A MUNICIPAL CIVIL SERVICE: BORDEAUX 417

beautiful *Place des Quinconces*, which looks out toward the point where Lafayette set sail for America a hundred and fifty years ago.

A. THE MUNICIPAL ORGANIZATION ²

Like all French cities except Paris, Bordeaux is governed by a municipal council elected integrally every four years. This legislative body chooses from its thirty-six members a mayor and twelve "adjoints" for a term identical with its own. It is these thirteen men who form, as it were, the "political" cabinet of amateurs that supervise and co-ordinate the work of the professional administrative staffs of the city government. Each adjoint, an unpaid, part-time official, is assigned by the mayor to one, or sometimes two or three, of the administrative departments as the political head. In 1927 these departments were organized as follows:

1. Central secretariat (at the *mairie*)
2. Finance and *octroi*
3. Municipal police, of which the commissioners are appointed by the Minister of the Interior at Paris
4. Administrative police (services of sanitary inspection, etc.)
5. Public works (including water supply, street maintenance, parks, tramway, and fire protection)
6. *État civil* (vital statistics)
7. Assistance and public hygiene
8. Public instruction (the city maintains a few schools of its own)
9. Fine arts and architecture
10. Municipal *régie* (operation of gas and electricity)
11. Burials and cemeteries
12. Tax collection, military and electoral affairs

To man these services there was required in 1926 a personnel numbering 3,090 persons, classified broadly in three main divisions: (1) administrative, with 221; (2) technical, including professional, and (3) skilled and manual labor, the

² Except where otherwise indicated, the statistical data on the civil service of Bordeaux here presented were obtained directly from the office of the municipal secretary.

last two with a combined personnel of 2,869.³ A comparison of the size of Bordeaux's civil service with that of three fairly analogous American cities is presented below:

CITY	POPULATION	TOTAL PERSONNEL	RATIO	PER CENT OF BUDGET ABSORBED BY PAYROLL
Bordeaux	253,386 (1926)	3,090	1 to 82	38
Newark	414,524 (1920)	4,847	1 to 86	55
Seattle	315,312 (1920)	6,012	1 to 52	50
Dayton	152,559 (1920)	973	1 to 157	63

Since 1900 personnel costs at Bordeaux have grown as follows:

YEAR	TOTAL BUDGET (in francs)	PAYROLL (in francs)	PER CENT OF TOTAL	AVERAGE PER CAPITA COMPENSATION
1900	12,539,670	3,690,035	25	Data not available
1913	18,191,282	4,708,271	26	2,000 francs (roughly)
1920	54,833,453	15,639,910	28	4,800 francs (roughly)
1927	91,041,474	35,068,658	38	11,350 francs

These figures show that since pre-war days (1913): (1) the total municipal budget had increased five times, (2) the pay roll for city employees, seven and a half times; and (3) the per capita salary and wage scale, five and a half times.

But since the cost of living in France rose more than six times during this fourteen-year period, it appears that as a paymaster the city of Bordeaux had not quite kept pace with the level of prices. In contrast with American compensation standards, the Bordeaux per capita average of \$200 in 1913 and \$454 in 1927 seems pitifully low. While the low average is due in part to the presence on the city's pay roll of a considerable number of part-time employees, it corresponds closely to the average pay of members of the French national civil service for the same period.

³ The number of employees in each department is not rigidly fixed by regulations, but may vary according to current needs.

B. THE PERSONNEL SYSTEM

The civil service of Bordeaux has since 1914 been regulated by a personnel code nominally enacted by the municipal council, but actually drawn up by an *ad hoc* commission of twelve members on which the staff was represented equally with officialdom.⁴ Prior to 1919 the mayor in most French towns was free to make appointments and promotions as he pleased; but a national law passed that year requires all cities of more than 5,000 inhabitants either to adopt, on their own initiative, legal regulations insuring recruitment on a merit basis and removing municipal employees from the demoralizing effects of partisan politics and personal favoritism; or, failing that, to accept "the standard code of civil service regulations (*réglement-type*) prepared by the Council of State."⁵ Action in this direction by the city council of Bordeaux, along with that of Lyons and a few other large French cities, not only antedated this law, but went beyond the minimum requirements of the standard code worked out by the administrative jurists of the high tribunal at Paris. The principal reason for this earlier and more advanced action was the effective pressure brought to bear upon the municipal authorities by the professional associations (*syndicats*) into which over 85 per cent of French municipal employees are organized.⁶

The personnel code now in effect at Bordeaux applies with a few unimportant exceptions to "all the fonctionnaires, employees, agents or laborers in the municipal services." As was stated earlier, this personnel is classified under three heads: administrative, technical, and labor. At the top of the admin-

⁴ The "official" side of this commission consisted of the mayor, one *adjoint*, and four municipal councillors. The present code dates from 1922, the earlier one having been superseded that year.

⁵ Cf. Chap. III; also W. B. Munro, *The Government of European Cities* (Revised ed., New York, 1927), p. 311.

⁶ This national organization, with about 45,000 members, includes the employees of the territorial *départements* as well; but the latter are few in number. The police are organized separately.

istrative hierarchy stands the *secrétaire de la Ville*, who, somewhat like the English town clerk, is a permanent official advising the mayor, and who acts also as the personnel officer of the city administration. Generally speaking, he supervises the operation of the several municipal services by transmitting to them the mayor's instructions and giving to them certain co-ordinating directions of his own. Below this municipal secretary come the *chefs de division, ou de service*,—the real professional heads of the several departments, or lesser divisions, responsible to their respective adjoints for the proper functioning of their services. Under the *chefs de division* are a varying number of bureau chiefs distributed as needed through the different services. Each of these men has charge of a subordinate staff of accountants, clerks, copyists, stenographers, etc., consisting since the war mostly of women. All this staff constitutes the central "secretariat" at the *Hôtel de Ville*.

In the technical and professional class are to be found a great variety of municipal specialists: engineers, architects, inspectors of public works, supervisors of the public weights, commissioners and inspectors of police, and public health personnel. Included in it also are a small number of educational administrators and teachers who are paid by the city instead of by the central government. The third personnel category, consisting of skilled and unskilled laborers—foremen as well as ordinary artisans—is subdivided into ten wage groups ranging from 11,000 down to 6,000 francs (not counting family allowances and cost of living bonuses). This last category, of course, makes up the rank and file of the 3,090 persons on the city's pay roll.

With the exception of ordinary laborers, who are usually subjected merely to qualifying trade tests, recruitment at the base rests upon open competitive examination. To highly specialized and professionalized posts, however, most appointments are made after the examination of official titles and diplomas granted by the properly accredited training schools,

A MUNICIPAL CIVIL SERVICE: BORDEAUX 421

of which, as we have seen, there is no end in France, due weight also being given to testimonials and records of professional experience. Only occasionally are such candidates subjected to oral interview; and when that procedure is followed, a special board, or jury, is appointed by the municipal secretary for the purpose. For the rest of the technical positions and all the administrative posts, the regulations require that open competitive examinations be held. To be eligible for these examinations, a candidate must be a French citizen, preferably a resident of Bordeaux, not over thirty years old, and able to produce a certificate of physical fitness from the municipal medical commission.

Under a national law enacted in January, 1923, French municipalities are further required to reserve to pensioned veterans of the World War at least one-half of the vacancies that occur in the lower grades of municipal employment, while three-fourths of the positions for which women are eligible are reserved to widows of ex-service men. As one would expect, these provisions have already operated so as to affect adversely the quality of subordinate personnel, especially clerical and manipulative employees, and as time goes on, the consequences will doubtless become more and more disturbing to the administrative efficiency of the city's governmental machine.

When vacancies actually occur or are about to occur in any department or special class of work, notice of the time, place, and character of the examination, as well as of the salary attached to the post, is placed upon the official bulletin board at the town hall and sent to the local press. An examining board consisting of the mayor, or more often an adjoint acting as his alternate, two members of the municipal council, the municipal secretary, and two division chiefs, is appointed to prepare and conduct the tests. While the regulations leave this board free to adapt the examination to the type of position to be filled, the character of the tests employed undergoes little or no change from year to year. General education,

always stressed, is allotted a varying value according as the work is legal, accounting, engineering, or clerical.

Candidates for clerkships, for example, take a double test: first, an "elimination" test of (1) writing, (2) spelling, and (3) elementary arithmetic; and second, if this be successfully passed, a "definitive" test consisting of (4) the preparation of a short essay on some non-technical subject, and (5) oral questions on French municipal law and the elements of constitutional and administrative law. While these five distinct tests are all graded on a scale of 20, the grades are given different coefficients, as follows:

ELIMINATION	
(1) Writing	1
(2) Spelling	3
(3) Arithmetic	2
Maximum points	120
DEFINITIVE (Final)	
(4) Essay	3
(5) Oral	2
Maximum points	100

A candidate must make at least 80 points in the elimination test to be admitted to the final one, and a total of 150 points is the minimum passing grade for the entire examination. Additional points (ranging from 5 to 10) are allowed for personal appearance and the possession of certain academic diplomas and certificates.⁷

To those acquainted with recent developments in the recruitment of policemen in American cities, the method used at Bordeaux will seem exceedingly simple, if not primitive. If the candidate is between twenty-two and thirty-five years of age, at least five feet five inches tall, has a fairly robust physique, has completed his military service, and can produce

⁷ Employees already in another branch of the service, as well as their sons, and the sons of retired employees and crippled veterans, are the beneficiaries of a five per cent addition to their final grades.

a certificate of good moral character from his local authorities (he need not be a resident of Bordeaux), the only further requirement is to pass a simple "dictation" test which it is assumed will show whether he knows enough to prepare a daily service report. Inspectors of police (non-uniformed) are recruited from the ranks of ordinary policemen (having at least three years of service) by a competitive examination somewhat more exacting in character. It includes (1) a dictation test of thirty lines, (2) the preparation of a report based upon a practical problem, and (3) a two-hour oral test on criminal law and regulations.

Wherever competitive examination is used, the successful candidates are classified in order of merit according to a majority vote of the examining board. The results are immediately announced to the candidates, and the *liste de classement* is posted in the secretariat of the *mairie*. Vacancies are filled as they occur, but in every case a probationary period of a year must be satisfactorily completed before the candidate receives a permanent appointment. Though he may be discharged at any time during the period of probation, it was learned upon inquiry that very few employees fail to receive appointments at the end of that time.

Increases in salary and promotions are likewise carefully regulated by the personnel code, for it was here that the insidious influence of personal favoritism, nepotism, and partisan politics formerly had free rein in French cities. Generally speaking, salary advancements without change of position take place automatically on a seniority basis. A detailed salary classification chart, drawn up by a special bi-partite commission, indicates the number of years, ranging from one to five, that must normally be served in each salary class before the next higher one may be entered. For disciplinary reasons, such salary advances may be postponed a year or more, though instances of postponement are in practice exceedingly rare. On the other hand, where the normal sojourn in a salary class is three years or more, the rate of advancement may be

accelerated by one year for those employees who are placed on a special promotion list drawn up annually by the promotion board. The number of names on this list, however, cannot exceed one-half those in the next-to-the-last year of any salary class. In fact, the number advanced in this manner (*au choix*) is usually less than half. For instance, in the administrative division there were granted in 1927 twenty-four increases by seniority and only nineteen by selection.

In theory at least, promotion in the administrative and clerical classes takes place exclusively by merit. Mention has already been made of the promotion board, which is composed of the mayor, or an adjoint designated by him, as president; two members chosen from and by the municipal council; the municipal secretary and his assistant; and the appropriate division heads. This board meets annually and draws up a list of those apt for promotion after taking into account the service ratings made of his subordinates by each division chief. The rating sheet consists merely of a simple qualitative notation, covering the employee's industry, intelligence, attendance and punctuality, and aptitude for advancement, along with any general observations which the political head (*adjoint*) of the department concerned may care to make. Each member of the promotion board gives a numerical rating of one to ten to each employee, the aggregate of these points determining the order of the names on the *tableau d'avancement* for the year. Practically, there is not much deviation from seniority in the order in which names are placed on this list.

For the grade of bureau chief, an oral interrogation before the promotion board supplements the service rating. The purpose of this oral interview, so it was explained to the writer, is to size up the man's personality and all those subtle qualities that make or break an administrator. The annual list of those apt for promotion to the grade of bureau chief is limited to one-third the number of officers of that rank. A clerk,

A MUNICIPAL CIVIL SERVICE: BORDEAUX 425

moreover, must have served the city eight years before his name can appear upon this list, which means in reality from ten to fifteen years. The average number of promotions to the rank of bureau chief is only two or three a year.

In the technical and labor categories, promotion is normally by special examination. Sometimes this is competitive, often it is merely qualifying. Otherwise, the procedure is analogous to that outlined above.

When one reaches the highest positions in the municipal service, *chef de division* and *secrétaire de la ville*, he finds that the mayor and his cabinet are virtually free to select whom they will. They may even go outside the administrative hierarchy and bring in fresh blood. But the "closed system" prevails. The records show that almost all the heads of departments have come up through the ranks. For the staff associations insist upon the opportunity for the humblest employee to work up to the top; and since the war, at any rate, the political directors of the city's affairs have usually found it wise to comply with this view. As a matter of fact, few capable outsiders could be induced to-day to enter the city service at middle age for an annual salary barely reaching 20,000 francs.

Since the war the average age at which appointments to the upper-grade posts have taken place has ranged as follows:

PERIOD	CHEF DE BUREAU	CHEF DE DIVISION
1919-1925	49	52
1925-1927	38	48

As will be seen, the tendency is to promote younger men to bureau headships, whose average tenure is around five or six years, never less than three or four. Heads of divisions, however, average ten to fifteen years of service before they retire. It should be further explained that the avenue of promotion is measurably broadened by the ease with which civil servants may, either for personal convenience or for the good of the service, be transferred at any time from one department to

another. If this arrangement were in practice followed more frequently, it would mean more than it does.

Perhaps the most illuminating way in which to show the paths to administrative advancement would be to present resumés of the careers of three Bordeaux officials, as follows:

(1) *Municipal secretary*: entered municipal employment as clerk at 24; bureau chief at 30; assistant division head at 33; division head at 41; in military service four years; assistant municipal secretary at 48; secretary at 49; had served in that position eight years by 1927.

(2) *Head of the division of municipal police*: entered as policeman at 22; bureau chief at 33; assistant division head at 43; division head at 55; had served in that capacity seven years by 1927.

(3) *Head of the division of public instruction*: entered as copyist at 21; bureau chief at 37; division head at 44; had served in that capacity one year by 1927.

As one would be led to expect, the operation of such a personnel system as this gives an exceptionally low rate of turnover. From 1920 to 1928 the annual replacement of personnel, for all services, averaged a scant four per cent. Despite the low rate of remuneration, the number of voluntary withdrawals was negligible; and since dismissals from the service could take place only after a decision to that effect by the disciplinary council provided for in the code, they were even more infrequent. Thus the annual turnover corresponded closely with the number of employees who are retired.

Since 1898 a comparatively liberal retirement system, based upon joint contributions from employees and city, has been in operation. A compulsory deduction of five per cent is made from the employee's salary annually, in addition to one-twelfth the first year's pay and one-twelfth of each subsequent increase. After twenty-five years of service he is entitled to a retirement annuity equal to one-half his average salary (and allowances) for the last three years, which sum

is increased by one-twentieth for each additional year of service. But the total annuity may not exceed three-fourths of this average salary, or, as it was in 1927, 18,000 francs.⁸ Retirement may take place either voluntarily or by request at the age of 55; unless there is a special arrangement for retention by the year, it occurs automatically at 60; and at 65 it becomes compulsory for every one. Permanent disability incurred in public employment entitles the civil servant to proportional pension rights after fifteen years' service, while compensation for accidents is applicable at any time after initial entry. In case of death, widows and orphans are similarly provided for. Until the total revenue from the retirement fund investments equals one-fifth the aggregate salaries subject to contributions, the city agrees to appropriate annually 50,000 francs to the fund. The financial administration of the fund is so complicated as to cause one to doubt its actuarial soundness.

C. MORALE AND EFFICIENCY

Thus far we have been concerned primarily with an analysis of the "anatomy" of the system. A critical appraisal of its "physiology" is more difficult. High morale and efficiency are largely functions of each other. The first depends, as Professor White has so brilliantly shown in his study of municipal employment in Chicago, upon a complex of material and psychological factors. At Bordeaux, as everywhere in France since the war, the morale of the *fonctionnaire* has been so badly shaken by the chronic salary crisis with which all governmental agencies have been struggling that the other merits of personnel policies hardly stand out in normal relief. Not only have salary increases been inadequate, but they have been granted too laggardly, particularly for those who constitute the administrative *élite*. Cost-of-living bonuses have been invoked as makeshifts, but one wonders whether the otherwise admirable plan of granting special allowances for

⁸ This has subsequently been increased.

family charges, increasing progressively as the number of children increases, has not really served as a depressive of *basic* salary schedules. Nor is the Bordeaux scheme of salary classification by administrative determination, though free from the flagrant abuses of the old practice of specific legislative grants, based upon a comprehensive, scientific study of the relation between training responsibility, and duties involved. Such a re-classification would undoubtedly result in an appreciable reduction of subordinate personnel.

Materially, working conditions are favorable. The eight-hour day is normal for city work, and over-time is compensated by the hour at a relatively liberal rate. The personnel code guarantees an annual vacation ranging from twenty to thirty days in length, and allows full salary for the first six months during illness, with half-pay for a second period of like duration. The city gives to each employee a gratuity of 500 francs at marriage and a similar sum (400 to 600 francs) to help defray the expenses of childbirth in his family. After twenty-five years of zealous service, policemen, firemen, and street cleaners are awarded municipal medals of honor entitling the holder to a special annuity of 100 francs for the rest of his life.

Although the writer was struck by the negligible effort made by the municipal authorities to stimulate any sort of social life among employee groups, this morale "incentive" has relatively less importance in a country where the family and the café mean so much socially. Through their *syndicats* the employees themselves provide a certain outlet for social and welfare activities. It is these organizations, moreover, which are tending to build up a genuine *esprit de corps* among the members of the different administrative staffs. They are permitted to select representatives to collaborate with their chiefs on technical advisory committees functioning in each major department. These committees perform valuable service by stimulating joint discussion of working conditions, improvement in office methods, better use of materials, and so

on. Furthermore, as we have already seen, the staff enjoys equal representation with high officials on the special commissions that prepare and revise the personnel code and salary schedules. All of this helps to create a sense of corporate loyalty.

In one or two respects, however, the professional movement among French municipal employees has produced dubious results. The *syndicat* leaders are often dominated by a radical political complex which brings the employees' unions into temporary conflict with officialdom. The former do not hesitate to use political tactics in trying to defend their professional interests. Their principal instrumentality is the Socialist party. This fact, one fears, has an undesirable effect upon the maintenance of effective discipline inside municipal departments. The disciplinary councils in operation since 1914 have rarely dared to inflict the penalty of dismissal, and only seven or eight of the lighter penalties, such as temporary suspension, retarded salary advancement, and demotion, have been invoked annually since 1920.⁹ Although the mayor is not legally obliged to follow the opinion of these councils, upon which sit two employees of the same grade as the accused, he almost invariably does so. For general mediocrity and indifference, an employee apparently cannot be discharged. Dismissal would mean an annoying situation for the responsible official when called upon to justify his action by the interested staff association.

The writer could discover little intelligent effort on the part of administrative officers to tap the sources of inventiveness latent in the rank and file of their staffs. Subaltern employees are not allowed to publish criticisms of the operation of their respective departments. Not only are staff schools unknown, but the city authorities make comparatively little use of the facilities of the University of Bordeaux in training men for municipal work before and after entry into the city's employ.

⁹ In general make-up and procedure, these councils conform to the national councils described in Chap. X.

Certain employees are permitted to attend courses at the faculty of law during working hours, but that is all.

Nor is there any effective attempt to adjust the incoming fonctionnaire to his job,—nothing, I mean, in the way of “official” vocational guidance. For scores of clerks, “routineerism” is the inevitable result; not so much at Bordeaux as in certain of the services of the central government, but more than there should be. There is developing in France, however, a national movement to “professionalize” the position of municipal secretary. This holds much promise. It may eventually lead, as for American city managers, to the practice of interchanging and promoting officials from city to city.

* * * * *

In sum, the municipality of Bordeaux employs a comparatively simple and honestly administered personnel system. It is almost entirely free from the abuses of political and personal favoritism. Legally, it contains the basic ingredients of what might become effective personnel management in the best sense. But it is as yet administered with little creative imagination.

A final observation is in order. As “personnel officer” the municipal secretary cannot, because of other heavy burdens on his time, fulfill the rôle of a wholly satisfactory personnel agency. And even if enough time were left from his other duties, he lacks adequate authority (and technical training) effectively to supervise and constantly to investigate the operation of recruitment, promotion, and classification methods, with a view to their improvement. Although he does keep personnel records on file, that is about all. This, of course, is a shortcoming of the “decentralized” type of personnel administration used by the French everywhere.

CHAPTER XIV

OFFICIAL BUREAUCRACY AND THE PUBLIC

"Le mal est moins dans les hommes que dans les mœurs."

—JUSTIN, *Monsieur Lebureau et Monsieur Leparlement*.

Political bureaucracy is a term defying hard and fast definition. If one were to interrogate a dozen intelligent men in as many countries on what it means, he would probably elicit replies with a dozen different emphases varying with the social *milieu* and nationality of the respondents. By one man, bureaucracy is likely to be branded as a government in which means are confused for ends. To another, it might appear as an administrative machine run by career men fascinated with the illusion of power. A third might stigmatize it as government by commissions, bureaus, and committees; a fourth, as an administrative mechanism escaping all popular control. Others would undoubtedly emphasize its glorification of red tape, routine, and formalism, or the tendency of those who man it to exaggerate the importance and complexity of what they are doing at the expense of rendering prompt, efficient, and economical service to the public. In its most general political setting, Mr. Ramsay Muir has well characterized bureaucracy as "the exercise of power by professional administration, by trained and salaried experts. . . . It has never existed, and will probably never exist by itself; but it can thrive equally well under any form of government, monarchic, aristocratic, or democratic."¹

Indeed, this last observation may be further expanded to include not merely governments, but other forms of large-scale

¹ *Peers and Bureaucrats* (London, 1910), p. 5.

social and economic organization as well. For the replacement of amateur by technician, of rotating by permanent employee, of rule-of-thumb personnel procedures by elaborate systems of management, has equally marked the evolution of business and educational institutions since the advent of modern technology. Whatever the virtues, whatever the sins of *bureaucratic* behavior, they are by no means confined to the organization of political government. It may be that the soil of politics is more fertile than that of industry for the development of bureaucratic pathology, but this does not imply that the latter condition may not be removed from the administrative organism by which the modern State operates any less than from the structure of private industry.

Granted, then, that bureaucracy seems inevitable in the social organization of the machine age, whether the setting be industry or government, the country new or old, the nation Latin, Slavic, or Anglo-Saxon, the central problem, for the student of the art of administration, is two-fold: first, to discover whether the *abuses* of bureaucracy are inherent in its nature; and second, if they are not, to develop effective antidotes for them. The first aspect of this problem entails at the outset a careful analysis of the forms in which these abuses manifest themselves and an attempt to ascertain the causes, while the second involves the development of methods of personnel administration which will allow outlets for initiative and creativeness on the one hand and facilitate a continuously rigorous public scrutiny and correction of the processes of governmental administration on the other.

A. THE TEMPER OF THE FRENCH BUREAUCRAT

While common to all highly organized societies, the bureaucratic germ is peculiarly virulent in an old traditionalized nation like France. "French order," says Senor de Madariaga, "is official, imposed from above though accepted below, intellectual, artificial, regulated, preceding action by a compli-

cated system of written laws which aim at foreseeing all possible cases. . . . This network of principles is *le droit*. . . . In order to hold things in action more closely, the intellectual inserts within the network of *le droit*, another network finer still: *les règlements*."²

In dealing with the behavior of the national army of official bureaucrats toward the public, "we are therefore in the realm of *les règlements* dictated by foresight and inspired by distrust. . . . In France the anonymous citizen is considered as a hypothetical being in whom all evil intentions conspire and against whose machiavellian plans the State must be ever on guard . . . a kind of war atmosphere in which officials, solidly entrenched behind their desks, assiduously prepare battle plans against X with all the military genius of real Napoleons. French bureaucracy is therefore but the natural consequence in the collective world of the feature which we consider as fundamental in French psychology, *i.e.*, the predominance of intellectual standards."³ In the sense that it connotes order and symmetry, the bureaucratic mode of action pervades all French society. It takes for granted that everything must be regulated either by custom or official order. Since the State is "the watchmaker in chief of the social mechanism," its agents have come to symbolize *par excellence* the rigidity of social pattern to which the national life conforms. "*Monsieur Lebureau*" is a popular stereotype made famous by dramatist, novelist, and publicist.⁴ He it is who typifies the arm of authority against which the private citizen continually collides in his daily rounds from the cradle to the grave.

Now the atmosphere in which *Monsieur Lebureau* functions may be categorized as that of reciprocal distrust. "The citizen generously gives back to the bureaucrat the distrust which the bureaucrat feels toward him."⁵ This, again, is because the

² *Englishmen, Frenchmen, Spaniards* (New York, 1929), p. 36.

³ *Ibid.*, p. 36.

⁴ In the writings of Balzac, Courteline, René Benjamin, Justin, de Jouvenel and others.

⁵ de Madariaga, p. 38.

French temperament exalts individualistic specialization: the State, ever spreading its tentacles like a gigantic octopus across the terrain "consecrated" to private initiative and enterprise, must be held in check. This struggle is personalized in the day-to-day contact of citizen and fonctionnaire. The latter, therefore, is at one and the same time an object of respect and abuse—of respect because he symbolizes *l'autorité de l'Etat*, of abuse because he would, if and when the opportunity came his way, devour the citizen's "inalienable" rights and liberties.

The difficulties of this situation are magnified because of the educational background of French officialdom in relation to the administrative system in which it functions. It will be recalled that the dominant note in the formal training of upper-grade fonctionnaires is a reverence for abstract principles—those abstract principles which, as Lord Haldane remarked in his autobiography, "so often delight and delude the political thought of Continental peoples." A distinction should here be drawn between "abstract principles" and "living ideas" concerning the services which the administrative side of modern government should render to the community. To be ruled by abstract principles implies a static conception of the institution in which the high official works, whereas to be guided by living and growing ideas connotes a dynamic outlook upon its problems and processes. Soon after entering the civil service, the young administrative clerk in the central bureaus finds himself enmeshed in a labyrinth of regulations and departmental orders which is the overgrowth of generations. The further he settles down into the system and becomes bound by the narrow horizon of his own little office, the more are stifled whatever latent originality and initiative he may possess. Discovering little chance to break through the tight pattern of action encompassing his official existence, he gradually ceases to give it his major interest. Intellectual and æsthetic avocations provide the escape from vocational boredom. For whether fonctionnaire or otherwise, most Frenchmen

are so temperamentally constituted as to make some such escape indispensable.

The importance of this aspect of their social behavior is picturesquely delineated in Mr. Sisley Huddleston's *In and about Paris*.⁶ After calling the reader's attention to the fact that a considerable proportion of the men who rise to high posts in the civil service have spent a goodly portion of their youth in the Latin Quarter of Paris, whose *camaraderie*, merriment, and ideals they never forget, this penetrating English observer draws a vivid portrayal of French bourgeois temperament: "The Frenchman may be as bourgeois as you please, but he retains something of his Bohemianism. He may be an engineer, but he has composed verses. He may be a minister, but he has run amuck. He may be a chemist, but he has worn the night down in philosophic discussion. He may be an architect, but he has helped to elect Lisette of the Latin Quarter. He may be a banker, but he has contributed exquisite prose to some art review. He has worked and struggled and had his fling and dreamed dreams, and the memory of these things abides. He has paced up and down the consecrated path in the Luxembourg Gardens. He has heard the chimes at midnight on the moonlit Boul' Mich'! He has formed great youthful projects, and he has learned how to laugh."⁷

But if he becomes a fonctionnaire the cold drab walls of his official sanctuary close about him. This warmth of spirit and spontaneity of action are locked away, until the evening or the morrow affords an outlet. Nor is the example of the chief lost upon his subordinates. In turn they, too, tend to evolve an unimaginative acceptance of traditional procedures, or if not that, a sense of frustration over having no chance to change things. At each level, certainly from the *chef de bureau* upward, the majority eventually come to seek a maximum of tranquillity consistent with the existing maximum of pay. Originally full of good will, with dreams of reform, the *chef de bureau*, like the *chef de service* above him, sooner or later,

⁶ London, 1927.

⁷ P. 215.

executes a mental surrender. Blocked in his early attempts to introduce procedural innovations and make his subaltern personnel more productive, he gives up to enjoy a profound peace, his professional dreams now centering upon the possibility of a political appointment to some minister's cabinet or the Council of State, or better still, a lucrative offer from a great business firm.

Paralleling this insidious proneness to acquiesce in existing administrative practices there develops another bureaucratic trait which may be called, for want of a better term, the "control" type of mind. By this is meant a tendency to receive and issue orders without question. Every able bodied fonctionnaire from file clerk to departmental director has spent at least one to three years in compulsory military service prior to entrance into a government office. From this experience he acquires the habit of obedience to superior commands—to commands transmitted from headquarters to ordinary soldier through carefully prescribed channels. Government departments operate with a line organization closely analogous to that of the army. The hierarchical principle reigns throughout. Accordingly, writes M. Henri Chardon in caustic vein, "the ideal official is the automaton who will reply to every question by citing an article in the regulations or a judicial decision, so that the ultimate in administration is always to seek, to discover, to invoke precedents."⁸ Correctness in procedure at all costs—unless, perchance, it is a friend or powerful personage seeking special dispensations, when the regulations may not always be so inviolate! Toward the anonymous public the administrators of *le pouvoir de l'Etat* tend to develop a "superiority complex" which leads them to feel that theirs is a "sacred" position and the ordinary desires of the citizenry for prompt service are of little concern.

There is no doubt also that in the moulding of this attitude in the mind of petty routine employees the wearing of an official uniform acts as a subtle contributory influence. In

⁸ *Les Travaux publics*, p. 356.

like manner, the promiscuous conferring of decorations upon upper-grade officials suggests to many the notion of a privileged caste, just as the handing down of certain governmental posts from father to son during the monarchical and imperial régimes implied the conception of *private* property in what has become under democracy the *public* service. To this day there remain vestiges of a quasi-hereditary succession of jobs in certain secluded nooks of the field establishments of the national government.

Possessing the sort of mental make-up we endeavored to delineate in the preceding paragraphs, the typical fonctionnaire reacts positively to the insidious poison that accompanies power. He loves so much to exercise authority that the longer he can delay his decision in a given matter, the more he enjoys it. "The real penalty of coming in contact with any sort of authority in France is delay," says another English observer, "and that the Frenchman does not very much mind, whilst the bureaucrat loves inflicting it."⁹ The postal clerk who makes one wait ten minutes for a stamp while pretending to read some new regulation which she may not understand does not really mean to be discourteous or inconsiderate. "She *likes* the tension that waiting induces between personality and personality, and she *likes* thus enhancing the sacredness of her cloth."¹⁰ In the end she may be very nice to her customer, even to the point of licking his stamps for him! "As a whole the French bureaucrat is *bon enfant*; he likes to watch you on the rack for an hour, for two or three. But in the end he will generally come out with a smile and help you."¹¹

Countless manifestations of how his bureaucratic temper affects the discharge of his daily duties might be enumerated, but space compels us to limit our specific examples to a few. Take, first, the unimaginative application of *les règlements*—illustrated by the postal clerk who returned to the sender,

⁹ F. M. Ford, *A Mirror to France* (London, 1926), p. 141.

¹⁰ *Ibid.*, p. 142.

¹¹ *Ibid.*, p. 144.

with the notation "number lacking," a letter addressed to "M. Deschanel, Quai D'Orsay," at the time when the latter gentleman was himself head of the Foreign Office! Here a literal-minded employee was but conforming to the regulation prescribing the return of letters bearing *incomplete* addresses.¹² Or, again, consider the case of the doorman at the Chamber of Deputies who ordered a lady about to enter the visitors' gallery to remove her coat; who, when she replied that it was an integral part of her costume and could not be removed, merely shrugged his shoulders and haughtily pointed to the regulation posted near the door; and who, finally, upon her civil request for an explanation of the motive behind such a rule, again helplessly gesticulated and gave utterance to "*c'est le règlement, voilà.*"¹³

The following incident will exemplify a more pronounced antagonism to doing anything that might serve the public's convenience. A man presented an order for payment at a bureau of registrations in the Treasury department. After the check was visaed at one *guichet*, the bearer was instructed to go to *guichet* 15. Following a wait of several minutes in line, he presented the check, but was met with a shrug of the shoulders from the clerk on duty, who said: "It is not here, but to *guichet* 27 you should go." Upon remonstrating that he had been told to go to number 15, the bearer of the check received this insolent reply: "Look, it's marked 27, it's not my business what they told you over there!" In tiny letters a notice had in fact been posted indicating the change, but

¹² Doucet, "*La Bureaucratie and les Bureaucrats,*" *Journal des Economistes* (1919), p. 222. Another amusing instance of employee literal-mindedness was the return, with the notation, "Left without leaving an address," of a war memorial book which had been mailed to no less a personage than Marshal Joffre at the address listed in the *Annuaire Militaire*. In the meantime Joffre had merely moved his residence to another part of the city!

¹³ This incident came under the writer's personal observation, for he, like the weary lady in question, had patiently waited in line, first in one anteroom and then in another, for three long hours that hot July afternoon, in the hope of gaining admission to the "sacrosanct" precincts of the Chamber.

the clerk at the first *guichet* knew nothing of it.¹⁴ Here we have not only discourtesy, but a concrete instance of the "intra-isolationism" surrounding so many office staff workers. The right hand is ignorant of what the left has done!

French post offices are excellent observation posts for one who is seeking specific data on the "gentle" way in which the citizenry is handled by some of its civil servants. There one may hear the telephone operator—the target of chronic complaint in every land!—shout in rude terms to a poor woman who, having waited half an hour to get her number, asks to have her connection restored after being "cut off," the operator upbraiding her for not talking loudly enough, and then making no effort to get the number again on account of being interrupted by a supervisor with a pile of papers to be explained. Or, one may habitually elicit a scowl from the clerk on duty by handing him a bill of more than twenty francs in payment of a book of stamps. "*Pas de monnaie*" is almost certain to be the instructive and often sullen response, although the change is finally forthcoming in nineteen cases out of twenty. Such deportment may be an anachronistic "hangover" from rules a century old, for, as it appears from a time-worn notice still hanging in the retail distribution office of the *Journal Officiel*, a statute enacted in the 1790's prescribed that purchasers of government products must always have the correct change!

It is in the *bureaux de poste*, moreover, that one frequently observes the effect of the "*pourboire* complex" upon employee behavior. A well-dressed lady brings in a watch to be sent by registered mail to Switzerland. A bustling little clerk with white hair and waving mustaches looks at the package and expostulates: "That won't do, it can't go like that!" Intimating at first that the package would have to be remade, he reconsiders, presumably with the hope of a generous tip for himself, scrapes off the wax, carries the package

¹⁴ Related to the writer by the editor of a leading scientific journal in Paris.

into an adjoining room, re-seals it according to "regulations," with the letters "R. F." stamped thereon, inscribes in fine script the value of the contents both in Swiss and in French currency; and hands the package to the proper clerk behind the counter. When the relieved lady gratefully bestows her thanks for this service, the first clerk makes no reply but abruptly turns on his heel. Still hopeful, however, he comes back a few minutes later as the woman makes ready to leave the office and stands as if about to extend his hand. As the meaning of this action dawns upon the departing woman she opens her pocketbook and hands him a franc. "*Merci bien, madame!*" The incident is at last closed, but it has consumed twenty minutes of the woman's time and convinced the postal employee more than ever that the public owes him for anything he may do over and beyond what the regulations call for.

The more inferior the position of the employee, the more pronounced seems to be the disdain he has for his victims. To possess a modicum of authority or to be in command of a petty situation aggravates the officiousness with which power is exercised. The writer vividly recalls an experience of his own which reflects this psychology. One afternoon he had occasion to present to one of two brass-liveried *huissiers* at the secretariat of the library of the Paris Faculty of Law a letter of introduction to the librarian. Impatiently he was waved aside with the pronouncement that no letter not properly encased in an envelope could be received. When he reached for what appeared to be a pile of envelopes on the *huissir's* desk, the latter fairly shouted, "There is none here!" "But," said I, "this is a special case." "That makes no difference, there aren't any special cases," came the heated retort; whereupon I was obliged to go out, purchase a package of envelopes down the street, and seal the letter in one of them. I returned and with careful propriety presented the missive to the punctilious doorman. There followed a wait of twenty minutes before *Monsieur le Secrétaire* could receive me. When he did, what should he do but write a note of his own to the

librarian stating that the Dean of the Faculty authorized me to use the library, although the original letter had come from the latter gentleman in the first place! The sequel of this loss of an hour's time makes further commentary on the exasperating incident superfluous: for weeks I used the library without once being asked to show any "authorization." However, the official minutiae had been vindicated!¹⁵

As regards literal enforcement of orders for the sake of orders, one further episode lingers in the writer's memory. This episode took place one hot August afternoon in a railway coach at the Franco-Belgian frontier. A foreign correspondent of an American newspaper was re-entering France with a portable typewriter which he was accustomed to carry with him in travelling in and out of the country. Never before had there been any question about his having to pay duty on the machine, but on this occasion the French customs inspectors insisted that unless he paid a very considerable sum the typewriter would have to be retained. Such, they argued with great vehemence, were their orders. Naturally exasperated, the owner asked whether he might not see the regulation covering the matter, or if not that, whether they would not be good enough to explain the reason for the new ruling. But neither of these requests, reasonable as they appeared to the bystanders, would the customs officials grant. The upshot of the argument was the surrender of the typewriter by the enraged journalist and a half hour's delay of the Antwerp-Paris express. It is debatable, of course, whether the owner was not too adamant for his own convenience—he might have paid the duty under protest and appealed the case—but his attitude in no way justified the arbitrary behavior of the French officials. At the least, they might have offered to explain the back-

¹⁵ One is reminded of the experience which M. Paul Painlevé is alleged to have had while Minister of War. In attending the wedding of a daughter of a former ministerial colleague, he wanted to sign the register at the church and was directed to the sacristy. There he found the sacristan barring the door. "But I am the Minister of War," said M. Painlevé in low but decided tone. "That makes no difference," retorted the sacristan. "Here no one passes without my permission!"

ground of the new regulation, if it was new, or even better, read it again to make sure that they were interpreting its meaning correctly in the existing situation. To be sure, complaints against unreasonable treatment by customs officers of whatever nationality are chronic among foreign travellers. No experienced tourist would deny that the harsh or at times stupid manners of those who guard French frontiers cannot be duplicated in other countries; but the fact that the administration of national tariffs almost everywhere generates ill will is a specious way to excuse abuses characterizing the application of the tariff of a particular national State.

Shifting attention to a somewhat different though closely related aspect of French bureaucratic mentality, one is amazed by the extraordinary secretiveness and reluctance to furnish information about the public service which typifies so many French government offices. Illustrations of this tendency are legion—on the tip of the tongue of every reasonably minded French citizen who has had occasion to seek information from his government, as well as a part of the experience of all foreign investigators. Take, as one example, the request submitted by the French League for the Defense of the Rights of Men to the Director-general of the State railways for a copy of an important administrative regulation (*statut*), and the latter official's reply to the effect that, seeing it had not been published in the *Journal Officiel*, it was not a public document and therefore could not be distributed outside the offices of the railway establishment.¹⁶

In his efforts to secure unpublished data concerning personnel practices, the present writer not infrequently was met with the response that the facts he was seeking were not "public property." Now if the nature of the information had been private or confidential in character such a reply might have been justified. But when all he desired were resumés of the

¹⁶ *Les Cahiers*, 25 July, 1923. This attitude is reflected in the refusal of the Minister of Commerce to give to the Chamber in May, 1927, a comparison of 1914 and proposed tariff rates because it would have taken several weeks to prepare the report!

official careers of individual employees—dates of promotions, transfers, salary increases and the like—in other words, simple factual data which in some ministerial departments appear as a matter of course in the year book, refusal to furnish the information seemed incredible.

In part, this unwillingness to supply information may be attributed to glaring inadequacies in record-keeping and accounting which make it a laborious and time-consuming task for the staff to collect and organize the data requested. In part, also, it arises from the individual behavior pattern which renders the clerical employee peculiarly unresponsive to requests for service from the general public. There appears to arise in his mind a barrier of suspicion or scepticism—a fear, as it were, that by disclosing internal information he may be betraying either his department or his own professional interests. Then, too, he is temperamentally averse to having his routine habits unduly disturbed, a quite understandable reaction in view of the extent to which he is obliged to ferret out inconsequential facts in response to irrelevant questions from senators and deputies.

Nothing, finally, better typifies the deportment we have been analyzing than the habitual tendency of the staff employees to lapse into a general lassitude whenever they can. It would not be fair to lay this to inveterate laziness, for upon occasion they will display remarkable industry. It is rather a corollary of the sleepy, leisurely atmosphere in government offices—an atmosphere that always pervades groups whose morale is low and who lack incentives to sustained effort. As late as three p. m., one may stroll through the corridors of the main offices of a government department in Paris and discover that numerous bureau chiefs have not yet returned from lunch; or, upon their return, he may observe groups of them enjoying for thirty minutes, an hour, or even longer, a social chat prior to resuming work for the afternoon, of which by then only an hour or so remains. The writer made it a practice to ask how long such officials ordinarily took

for lunch, and was told that the average time was nearer three than two hours, which exceeds even the French national custom of a two hour lunch period. One afternoon, upon arriving at the Ministry of the Interior about 2:30 for an appointment with the personnel officer, I found the whole corps of *huissiers* playing cards. Curious to see how long I could remain unnoticed, I quietly sat and waited. Fully ten minutes passed before anyone paid any attention to me. At last I was asked what I wanted and was then sent down a long, dark hall to the personnel office. There not a soul was in evidence until the director himself appeared about three o'clock and beckoned me to enter his private sanctuary.

Of course, on such slow-moving procedure the physical habitat of French political administration exerts a subtle influence. The modern office building, with ample light and air, convenience in internal arrangement and mechanized equipment, is virtually unknown to the French public service. Most government departments have their central offices in old edifices originally used as palaces or private "hotels." They are poorly illuminated and badly ventilated, and are usually without elevators. More often than not the interior comprises a bewildering labyrinth of corridors, outer and inner offices—and blind alleys!¹⁷ To gain the inner sanctum of a high official, callers must frequently wander tortuously through dimly lighted halls, pass a succession of obscurely labelled doors, and then cool their heels in one or more ante-chambers. There is nothing that visibly symbolizes the static qualities of French bureaucracy so well as the sombre hush of these ante-chambers, with their high ceilings, bare floors, unattractive red-plush chairs, massive fire places and ubiquitous *huissiers*, the official impressiveness of whose uniforms appears to vary directly with the rank of the official it is their function to guard.

¹⁷ In his *Messieurs les Ronds de Cuir* Courteline gives a classic description of a museum curator wandering through the dark, tortuous corridors of a government building trying to find a certain office. Balzac's earlier picture of a dreary ministerial interior also comes to mind. Cf. *Les Employées*, p. 76.

As the visitor sits and hopefully awaits his turn to be ushered in, a *carte de visite* having of course preceded his entry, he feels as if he were generations removed from the modern business world. This impression is enforced, at times agreeably so, when he penetrates the sanctuary of *Monsieur le Directeur*, and curiously gazes upon, perhaps, a huge empire secretary against one wall, a beautiful crystal chandelier hanging from the center of the ceiling, or a fine old mirror above an ornate fire place, always vases, statuettes, paintings—reminders, as it were, of *l'âge doré* of the eighteenth century monarchs and the glories of the First Empire. Ponderous *tômes* there may also be in profusion, not to mention a seeming chaos of official papers, *dossiers*, reports, and the like.¹⁸ From such a closely protected central *sanctum sanctorum* slowly radiates through hierarchical channels the stream of orders intended ultimately to reach the lowly office clerks and field agents throughout the country, and are by them woven, often me-

¹⁸ Mr. Willis J. Abbott, in the *Christian Science Monitor*, 20 Jan., 1928, presents a vivid picture of the physical habitat of a French ministry, as follows:

"When one has crossed the Seine from the quarter beloved of American tourists to visit the Minister of Public Works of France one finds an ancient gray stone palace, with a courtyard of noble proportions, the whole mellowed by a century or more of time's refining hand. An enormous reception room, paneled to the ancient ceiling, garnished with furniture of the Empire period, and with two strikingly beautiful murals over the doors, receives the caller. A bright fire burns in the massive stone fireplace. No clicking typewriters nor bustling messengers ruffle the dignity of the apartment. Instead a major-domo, in evening dress, whatever the hour of the day, takes the visitor's cards and vanishes.

"The inner sanctum, to which the elect are presently admitted, is walled from floor to richly decorated ceiling with books. Not the somber black volumes of government reports, not the deadly, monotonous rows of calf-bound tomes which make up a lawyer's library, but pleasantly varied shelves of real books, so far as might be judged from the brilliant bindings. It is not necessary to speculate upon whether the Minister browses among them, or to conjecture the methods by which he could get at those on the top shelves more than 20 feet from the floor. Enough to say that this noble library forms a pleasant contrast to the chill drabness of the ordinary government office, and furnishes a fit setting for a politician who is primarily a journalist—and for all I know a poet."

chanically, seldom imaginatively, into the daily tissue of administration.

B. PROCEDURAL VICES: *La Paperasserie*

Every large-scale organization controlled from a single centre sooner or later finds it advisable to elaborate systematic routine procedures in the interest of fiscal regularity and operational consistency. Private business corporations are no more immune to this process than are government departments. Nor do routine procedures necessarily slow up staff decisions. On the contrary, if they are properly adapted to the daily problems of the enterprise, they expedite action.

An organization conforming closely to the hierarchical principle, however, faces the constant danger that these routine operations will become sterilizing ends in themselves rather than effective means to desirable ends. When this happens the usual result is an entanglement of "red tape," or as the French are wont to call it, *la paperasserie*, mere routine thereby becoming *bad* routine. Formal instructions issued at the centre overwhelm those who have to handle out on the circumference concrete situations unforeseen in their variety. Almost inevitably an adequate delegation of discretion to subordinate officials is missing in such a system and the field agent stationed on the administrative firing line stands helpless before demands for prompt decision or immediate action. The fact that every case must be "referred" somewhere means a postponement of any decision about it, the more circuitous the course of reference, the greater the delay.

In a nationally centralized bureaucracy an excess of red tape may become a notorious curse. The social pathologist would probably denominate it a veritable institutional disease. For more than a century French critics have themselves been the first to recognize this paralyzing attribute of their national administrative organism. Some of the most vivid passages in Balzac's *Les Employés* are devoted to the abomina-

tions of official *paperasserie*.¹⁹ As one among many *littérateurs* Courteline gives us a most colorful recent satire on it. Nearly every serious commentary on French public affairs castigates it for its sterilizing effects upon the economic and social development of the country. The indictment presented by M. Henri Chardon in his brilliant essay entitled, *Le Pouvoir administratif*, is devastating. All branches of the public service, says M. Chardon, are organized and staffed so as "to produce words, papers, inaction. No technical consideration directs their efforts; instead, there is an intricate network of routine mechanisms; constant dissipation of forces; chains of costly links, on which business stagnates as successive verifications pile up; men consider, then reconsider; men verify, then re-verify or counter-verify; the least discrepancy gives rise to doubt, to supplementary inquiries, to commentaries, to pointless arid discussions. Meanwhile, the interested party languishes from chagrin or hunger, happy when he is not congealed in the process."²⁰

In another essay by the same author specific counts in support of this sweeping indictment are submitted.²¹ To build a new bridge in place of one palpably unsafe, twenty distinct administrative steps were necessary, with the result that it took fifteen to eighteen months to initiate construction.²² The re-alignment of a highway required nineteen different steps.²³ In the Ministry of Public Works, continues M. Chardon, the simplest matters must pass and repass three or four times through each bureau while numerous other agencies like the P. T. T., the Division of Indirect Taxes, and the artillery service usually have to be consulted, always by the "hierarchical" route. Twenty persons often collaborate in prepar-

¹⁹ Here are two of Balzac's most picturesque passages:

"Dossiers, cartons, papers in support of documents without which France would be lost, the circular without which things could not move, accumulate and embellish (every office)," p. 18. "A tall man could only with difficulty walk along these tortuous pathways, or bend over, or climb up, or lose himself in the morass," p. 19.

²⁰ P. 91.

²² *Ibid.*, pp. 126-129.

²¹ Cf. *Les Travaux publics*.

²³ *Ibid.*, pp. 130-131.

ing a single *dossier*.²⁴ "You may request authorization to plant a hedge in the spring, but it will not reach you before the first frosts of winter!"²⁵ "The capable engineer in the field fights in vain against a system which dissipates his nervous force and mental energy; sooner or later, it is never long, he is broken, while all around him they continue to superimpose authorities, to erect controls, and to reveal an inexhaustible ingenuity for creating useless services which grow thereafter like mushrooms."²⁶

Or take *L'Europe nouvelle's* damaging characterization of the Division of Registrations and Stamps in the Treasury as it operated as late as 1927:²⁷ "The administrative organization has not been adapted to modern needs: it has remained virtually what it was in the Year VII. At the most all that has been done has been to establish a few new bureaus and add to the collectors' staffs a few more clerks. The utilization of the telephone, which would greatly expedite the operation of the service and reduce correspondence, is negligible; equally little used is the automobile, which would facilitate examining *sur place* the value of real estate transfers and thereby limit fraud; the typewriter is employed only in the central offices, and most district directors are obliged to mimeograph illegibly written circulars.

"Centralization continues unabated, bogging the functioning of a service already heavily burdened. Responsibility is diluted and scarcely exists except for these maladroit subordinate employees who do not know how to shift it in time to their immediate superiors, the latter relieving themselves by passing it still higher until it disappears in the anonymous bureaus at division headquarters. This centralization checks initiative, which is so important, and at the same time retards, often for months, the solution of affairs that the field agent might frequently have settled in little or no time if he had had a more extended power of decision."

²⁴ *Ibid.*, p. 342.

²⁵ *Ibid.*, p. 132.

²⁶ *Ibid.*, p. 340.

²⁷ In the oft-cited issue of 26 March, 1927.

Or* consider the post office again: Mr. Ford Madox Ford relates his adventures in trying to trace a postal money order gone astray. When this occurs, the usual course is to take the matter up through official channels, give the postman a big tip, or put the case into the hands of "an adviser of public companies." On this occasion, however, Mr. Ford decided to go directly to the *Direction de la Seine des P. T. T.* on the Boulevard Montparnasse. At two o'clock he was ushered into the Director's office by a smiling charwoman. After a half hour the Director returned from lunch and scrutinized the documents with great care. Following further consultation with an official in a blue uniform, the Director announced that Ford should betake himself to the "Chief Sub-office for the Recovery of Money Orders" on the other side of Paris. There he was directed to Room V on the sixth floor. While he conversed with an attractive young woman for an hour about face powders and the like, her chief examined the papers and asked questions about Ford's war record and family, finally instructing him to return to the Boulevard Montparnasse, this time to Room XVI on the third floor. From there he was sent back to Room XI in the Chief Sub-office; thence to Room IV, Boulevard Montparnasse; next to Room III, Chief Sub-office; and finally to the "open sesame"—Room XIII, on Montparnasse. Although assured there that he would receive his money by the first delivery the following day, it actually arrived seven weeks later, only after a generous tip had been showered upon the postman.²⁸

Any foreigner, who, like the writer, has undergone the vicissitudes of securing and using a French *carte d'identité* will hardly be disposed to regard Mr. Ford's story as an exaggerated or isolated episode. Every few days one hears similar tales not only from visitors unused to the idiosyncracies of public fonctionnaires, but from native-born citizens accustomed from childhood to the devious modes of handling simple administrative matters. As one amusing ex-

²⁸ *Op. cit.*, pp. 142-144.

ample, a French friend of mine told me how in his native town in the Midi it was not uncommon to hear of taxpayers having to purchase government-stamped paper costing fifty centimes with which to pay a tax of ten centimes! To complain about the mysterious intricacies of official forms seems a patriotic obligation for Frenchmen. To request information from a government bureau and expect to get what one asks for within a reasonable time would be going counter to the prevalent *moeurs* of the Third Republic. The consecrated formula with which official replies to such requests are begun, "*je m'empresse de vous faire parvenir*," et cetera . . . would be ironical if it were not so often the concomitant of exasperation provoked by delays in receiving the answer or by the incompleteness or inaccuracy of the information it conveys.²⁹ While gladly recognizing the generous courtesy shown him by most high officials in his repeated requests for data on departmental personnel policies, the present investigator more than once had the experience of having to follow up a simple request for an interview or some readily available document a second or third time before eliciting a response.³⁰ In two instances his inquiry became completely lost in the process of being transmitted from one ministerial bureau to another.³¹

When, however, one recalls what antiquated office equipment is still in use in the majority of French government

²⁹ A new staff employee, upon going into certain ministries, has to consult fifty volumes or more of uncodified official bulletins and several shelves of green cartons in order to locate the regulations governing the department. Cf. Moufflet, *Revue générale d'Administration*, March-April 1930.

³⁰ It took, for example, ten months of courteous but persistent follow-up to obtain a reply to a simple questionnaire submitted to the *Direction de l'Enseignement supérieur* of the Ministry of Public Instruction. It is in order to point out, however, that inquiries originating with the American Embassy usually elicited a somewhat more expeditious initial response than those which were "unofficial" in character.

³¹ It was explained in one of these cases that the outgoing office secretary had failed to transmit my letter to his successor. In France, governmental filing often takes on a peculiarly "personal" flavor at the price of impersonal continuity!

offices, he is inclined not to charge to personnel the entire responsibility for undue delays in handling daily administrative business. In its defense "extenuating circumstances" may fairly be invoked. There is, for example, no direct telephonic communication between the major divisions of certain departments. Two ministries as closely related in function as the colonial and foreign offices are, so I was informed by a former *rédacteur* who had served six months in one of them, without private telephonic connection—a situation which necessitates using the slow-moving general telephone system of Paris every time there is occasion for personal consultation between the two offices.³² It is rare indeed for the Quai d'Orsay to utilize the telephone for rapid liaison with French embassies in near-by European capitals. As a result important foreign news is frequently later in reaching the Foreign Office than the press or the embassies of other leading European countries in Paris.³³

To an amazing degree clerical operations are still carried on by hand. Thousands of clerks and copyists perform the work that hundreds of competent typists and stenographers could do with far greater efficiency. It is a conservative estimate that four out of five *rédacteurs* could probably be dispensed with if they could dictate the text of reports and circulars instead of tediously writing them out in quasi-legible long-hand.³⁴ Moreover, if for the traditional green cartons which now line the walls from floor to ceiling, modern loose-leaf filing systems were substituted, the handling of personnel records could be infinitely simplified and improved. Similarly, the installation of other labor-saving devices, especially computing machines, would undoubtedly introduce greater speed and accuracy in the statistical work

³² After enduring such an exasperating situation for six months (during 1928), this alert youth resigned in disgust.

³³ This fact was openly admitted by M. Seydoux, former Director of Political Affairs at the Quai d'Orsay, in an article on the urgent need of re-organizing the Foreign Office which appeared in *L'Europe nouvelle*, 26 March, 1927.

³⁴ Cf. Brunschvicg, *Un Ministère d'Education nationale*, p. 24.

of the central bureaus—to the end that it would no longer be necessary to greet scientific inquirers with the disheartening remark, “Your questionnaire will keep one of our clerks busy for six months compiling the statistics it calls for!”³⁵

In short, it would seem that French public administration contains an unnecessarily high ratio of sedentary office workers to active field agents. In one important ministry the proportion of the former to the latter has been estimated as three to two.³⁶ Too many employees, initially prepared to assume important responsibilities, are reduced to the permanent status of routine “paper-workers,” completely divorced from the freshening experience of having to make decisions of their own. Fifteen years ago it took the atmosphere of the trenches “to dissipate the chloroform of bureaucracy” and transform hundreds of “routinized” fonctionnaires into brilliant line officers.³⁷ The return of peace led some of these men to enter commerce and industry, but for most there was no such outlet: they could but return to their old desks and gradually succumb once again to the formalistic procedures of a bureaucratic organism on which modern technology has as yet made comparatively little impact.

To many the foregoing survey of the sins of French bureaucracy may seem distorted. In a sense, the picture is deliberately overdrawn for the sake of emphasis. The writer of these lines would be the first to admit that thousands of the hard working men and women who make up the army of French public officials fortunately do not harmonize with the drab picture he has just sketched.³⁸ One can find many conspicuous exceptions to the bureaucratic psychosis. Such exceptions

³⁵ Here reference is made especially to the Treasury office. The *Bureau de la Statistique générale* is supplied, albeit inadequately, with modern technical equipment.

³⁶ Cf. Chardon, *Les Travaux publics*, p. 95.

³⁷ Cf. T. L. Barnier, *Au Service de la Chose publique* (Paris, 1926), p. 104.

³⁸ Nor does the writer desire in any sense to imply that the administrative systems of other large governments are free from the abuses of bureaucracy, least of all the federal service of the United States of America.

apart, however, there undoubtedly exists a psychological predisposition in most French government offices to react in accordance with a fixed stereotype—a stereotype of which the major elements are a spirit of caste, unimaginativeness, secretiveness, excessive formalism, and officiousness. Depending upon the class of personnel and type of unit one is considering, the elements mix in varying proportions, but seldom is more than one completely lacking. Accordingly, the French public service is marked neither by *great* reforms nor by *great* abuses. The changes conditioning the tempo of its growth are *petty*, just as the abuses marking its behavior are mainly *petty*. Broadly speaking, it typifies *static* as opposed to *dynamic* administration.

C. THE PUBLIC'S REACTION TO BUREAUCRATIC PATHOLOGY

In every country there exists an average popular attitude toward government officials. By ingenious devices of measurement one could doubtless arrive at an index of this attitude. The stream of re-actions revealed in editorial comment, comic sheets, novels, plays, the motion pictures, legislative hearings, and the like, would constitute the basic elements of such an index. If this index were refined in the light of the results of a careful statistical sampling of individual and group attitudes made by using questionnaire and interview techniques, the psychological relationship between the civil servant and his public in a given national State or lesser region could be made to stand out in rigorously clear relief.³⁹

As Professor White has suggested, a comparative quantitative study of the "prestige indices" of public employment in different countries is needed before we can have any precise understanding of what the public's reaction to official bureaucracy is at a given moment, or, more important still, how it

³⁹ The best and to date only significant analysis of this sort is Leonard D. White's experimental study of *The Prestige Value of Public Employment in Chicago* (Chicago, 1929).

varies in terms of an extended period of time. But the execution of a sufficient number of monographic investigations of this character to make large-scale comparisons scientifically feasible will be exceedingly costly and time-consuming. Pending their consummation, we are dependent upon rough qualitative appraisals of specific situations in different countries.

Earlier in this chapter it was suggested that the relations of the French *fonctionnaire* and the French public were bathed in an atmosphere of "reciprocal distrust." This distrust tends to generate a state of chronic popular complaint against bureaucratic abuses; concurrently, it engenders a state of cynical indifference. The apparent paradox here suggested is explained by the prevalence through French life of what Professor Max Handman has aptly called "the bureaucratic culture pattern."⁴⁰ While in this respect France stands perhaps half-way between less progressive Latin countries and industrialized nations like Germany, England, the United States, her past has been so dominated by "hierarchical" traditions that the balance still rests with the "bureaucratic" as against the "pecuniary-industrial" mode of life. To re-iterate what has been said at previous junctures: "Bureaucracy is not confined to government offices: a visit to the theatre may necessitate a stand before three or four different *guichets*. The big emporiums also indulge in an excess of unproductive labor."⁴¹ The operation of railways and the management of private financial concerns are likewise marked by ultra-formalistic administrative practices, exasperating procedural delays, and a multiplicity of intermediate controls. In fact, almost every institutional aspect of French life appears to function as a phase of bureaucracy—the universities, the theatres, the art galleries, hospitals, organized charity, and not least, the Catholic Church. The hierarchical principle and

⁴⁰ In a brilliant paper read before the American Political Science Association at Cleveland, 1930.

⁴¹ Huddleston, *France*, p. 587.

la paperasserie hold sway everywhere. Social values are determined in terms of hierarchical prestige.

The average Frenchman, therefore, becomes accustomed to daily inconveniences imposed upon the community by bureaucratic mechanisms and the bureaucratic temper. To him, as to the German, "bureaucracy encourages the average, the unostentatious, and unpretentious way of life."⁴² Against the shortcomings of the purely *official* part of this bureaucratic organization of life, he feels duty bound to protest as a matter of course. It is a part of his Revolutionary inheritance to rebel against authority imposed from above—authority once autocratic, which, even though now clothed in democratic garments, may deprive him of hard-won liberties. Against the official pyramid arising above the plane of "equal" citizens he needs constantly to be on his guard. Thus the newspapers are filled with diatribes against the "spying" tax collector and the abusive telephone operator, against the slow-moving, inefficient, and sometimes subversive-minded *fonctionnaire* of whatever rank or description. Something, one reads, should be done about it. Resolutions of protest are drawn up; mass meetings are called; party congresses put administrative reform on their agendas; and much oratory is wasted in Parliament on the sins of this or that group of *fonctionnaires*.

Yet in spite of so much smoke there is seldom much fire. It is all *une manière de faire*—an outlet for the expression of ideas and the interplay of abstract principles. "The passion of the French for ideas," observes M. Dimnet, "makes them imagine that when an idea has been expressed, its own virtue will be sufficient to get it realized. . . . Hence, the everlasting vision and brilliant *exposé* of reforms accompanied by a caustic denunciation of abuses so striking in French conversation."⁴³ The mass of the citizenry are not seriously concerned over a lack of efficiency and expedition in the handling of

⁴² A. Mendelssohn-Bartholdy, "Bureaucracy in a Nation's Lean Years: The German Experience," in *The New Social Science* (Chicago, 1930), p. 21.

⁴³ *The Art of Thinking*, p. 72.

their public affairs. Notwithstanding the pronounced popular aversion to certain types of government officials, underneath the attitude of complaint there runs an amazing indifference to the processes of political administration and the haughty behavior of those who man its offices. "Indeed," comments Ford Madox Ford, "I believe they [the French] would rather be bullied by fonctionnaires than dispense with them."⁴⁴ Which is not surprising when one remembers that the "bureaucratic" portion of the population probably absorbs from one-sixth to one-third of the total, depending upon where the line is drawn between "institutional" and "individualized" activity.

"Habit seems to have covered disservice with the respectable mantle of an institution. Even Americans who have lived long in France get used to their environment. After a time they resign themselves with a smile of toleration, and as years pass they come to regard it as quite a natural thing that a 'fonctionnaire' is an authority to whose whims the public must submit, and not a 'civil servant' at all."⁴⁵ There is lacking a public opinion sufficiently sustained or focused to bring about any fundamental change in administrative habits. "What can you expect," runs a common complaint, "when all French politicians are corrupt anyway? It must be nice to have one's letters delivered promptly, but what can be done about it?" If one sought to improve the postal service by bringing pressure to bear upon the letter carrier's superiors, one might make himself unpopular with his neighbors, also fonctionnaires! What is more, probably nothing would happen.⁴⁶

In some such way as this a general attitude of apathy toward *Monsieur Lebureau* and all his works is rationalized. This reaction-formation is strengthened by the deeply rooted national belief that the only way one can get prompt action

⁴⁴ *Op. cit.*, p. 145.

⁴⁵ Quoted in a review of Stephane Lauzanne's "*Comptes-tu, public?*" in the Paris edition of the *New York Herald*, 13 Aug., 1927.

⁴⁶ Cf. Ford, *op. cit.*, p. 134.

at all is by gaining the ear of inside authority. Personal or family influence is still thought by the man on the street to be the open sesame to the domain of officialism. A chauffeur has an accident with his car. He goes to the judge and begs him to be lenient. In case the driver is acquitted, the public concludes that it was because of his personal friendship with the judge even though the defendant be in no wise responsible for the mishap. Unless the relations between official and citizen can, either directly or by way of a mutual friend, be put on a *personal* plane, the fonctionnaire tends to become in the public's eyes a parasitic symbol of an authority which is ever seeking to encompass the "sacred" freedom of individual action.

With great insight Taine long ago adumbrated the citizen's reaction to the State administrator: "This individual, a civilized European and a modern Frenchman, constituted as he is by several centuries of tolerable police discipline, of respected rights and hereditary property, must have a private domain, an inclosed area, large or small, which belongs and is reserved to him personally, to which the public power interdicts access and before which it mounts guard to prevent other individuals from intruding on it. Otherwise his condition seems intolerable to him; he is no longer disposed to set his wits to work, or to enter on any enterprise."⁴⁷ So long as the fonctionnaire stays outside this preserve, popular opinion is ready to tolerate the petty annoyances for which he may be responsible. If one examines the range of "written questions" put to ministers by members of Parliament, he discovers that the dominant note is not how to secure greater administrative efficiency, but is concerned rather with the personal and professional status of those government employees in whom the questioner is interested as a consequence of complaints or requests received from his constituents. A chain connects the voters, who at times pull vigorously at one end, and the bureaucrats, who resist at the other. In between are the depu-

⁴⁷ *Op. cit.*, Vol. I, p. 135.

ties and ministers, who follow the movements of the chain.⁴⁸ But seldom is the pull on the chain sustained enough in either direction to dislocate the extremities. Only the deputies and ministers really feel its oscillations at the centre, some of the former temporarily changing position with some of the latter, and *vice versa*.

To be sure, on the surface much discussion of public law and administration is heard. There are over a hundred French periodicals dealing with some phase of its rôle in French society.⁴⁹ Moreover, the *Journal Officiel* by which administrative ordinances officially reach the public consciousness enjoys an average annual circulation of 30,000.⁵⁰ But *le grand public* refuses to take the cry for administrative reform very seriously, when it shows any genuine interest in it at all. The populace prefers to amuse itself by regarding *le rond de cuir* as legitimate material for the satirist, the dramatist, the columnist, or the novelist.

So long as the Frenchman can cultivate his individual faculties—his personality, his intellect, his tastes,—he is satisfied. This is doubtless why he so patiently endures official routineerism. "Abuses," continues M. Dimnet, "are tolerated by the French provided they can laugh, or make cynical remarks about them. The press campaigns, the enlightenment drives which are perseveringly carried on in the United States are impossible in France . . . the toleration by the French of their politicians [and one might add, of their administrative officials] is of the same order and arises from the same feeling of superiority of ideas to mere contingencies. . . . Life is not very hard, after all, even if governments do not try to make it perfect. Good-humored contempt is reform enough."⁵¹

Nevertheless, within the limits set by such an historical background and by such a national psychology, the impact of contemporary social, economic, and technological forces

⁴⁸ Cf. Thébaudet, *La République des Professeurs* (Paris, 1928), p. 163.

⁴⁹ Cf. Hayes, *op. cit.*, pp. 126-127.

⁵⁰ *Ibid.*, p. 148.

⁵¹ *Op. cit.*, p. 73.

OFFICIAL BUREAUCRACY AND THE PUBLIC 459

upon an anachronistic bureaucratic organism is slowly and fitfully making itself felt. The potentialities of this impact for a renovated administrative system will form the substance of the two final chapters of this study.

CHAPTER XV

THE POTENTIALITIES OF ADMINISTRATIVE SYNDICALISM

"Les griefs du fonctionnaire sont encore aujourd'hui (1913) ce qu'ils étaient en 1836. Aucun n'a disparu; la plupart ont grossi."

—LEFAS, *L'État et ses Fonctionnaires*.

It will by now have become apparent that, to an unusual degree, the key to the evolution of French public personnel administration during the last forty years is the rôle played therein by the staff association movement. Now that the corporate organization of public employees is accepted largely as a matter of course throughout the western world, it is not always remembered that in their original emphases 19th century European movements for the transformation of the social order attached a capital importance to the strategy of aligning the employees of the State to their cause. This point of view was as true of syndicalism as of socialism. If syndicalism was to succeed in obliterating the distinction between *governmental* and *industrial* operations, it was indispensable that there be ready a militant, class-conscious corps of workers to which the management of the services of police, communication, education, and the like might be entrusted. Thus the French theorists of syndicalism constantly stressed the necessity of "syndicalizing" the great mass of fonctionnaires.

For the steady penetration of this doctrine into the State services, conditions in France at the turn of the century were peculiarly favorable. It was then, as we have repeatedly pointed out, that the abuses of favoritism let loose by *l'Affaire Dreyfus* were at their height.

The cost of living was advancing and governmental salaries

were not keeping pace. The material conditions of work were frequently abominable.¹ Promotion was discouragingly slow. Judicial protection against *l'arbitraire* by way of the Council of State had as yet hardly got under way. Above all, the generalization of the democratic idea in Western Europe had whetted the appetites of subaltern State employees for a real share in the control and exercise of the *pouvoir public*. There was a growing discontent among the administrative proletariat because the highest posts were reserved for political appointees "who worked the least and were paid the most."

In short, three main points stood out in the appeals addressed by aggressive syndicalist leaders outside to restless spirits inside government offices: (1) that a bourgeois monopoly of power controlled the State; (2) that a hierarchical oligarchy ruled its administration; and (3) that the employer-State exploited its workers.²

As early as the 'eighties, this doctrine began to permeate the *milieu des petits fonctionnaires*. First the postmen, then the *instituteurs*, were moved to organize in defense of their economic interests and civic rights. Workers in the government arsenals and manufacturing establishments likewise soon formed *syndicats* with a view to affiliation with their organized comrades in private industry. A little later (1894) the State railway employees initiated similar action.

These overt manifestations of "trade-unionism" among its own employees brought the Government face to face with very fundamental issues: (1) should public officials be allowed to form corporate organizations at all? (2) If so, should they be permitted to affiliate with industrial labor unions? (3) What position should the government take with reference to the concerted refusal to work as a weapon of last resort in the conflict of employees with the State as paymaster? However

¹ A remarkable report by the head of the postoffice in the 1880's called attention to a *véritable malaise* among its personnel, due partly to their long hours. In those days employees working in railway stations often had to stay out all night. Cf. Laurent, *op. cit.*, pp. 193-195.

² Harmignie, *op. cit.*, pp. 82-85.

these difficult issues were resolved, the consequences would be far reaching.

A. THE STRUGGLE FOR THE RIGHT OF ASSOCIATION

The development of corporate organization among French civil servants has been conditioned principally by a prolonged struggle to secure legal recognition of the right of association. Begun in 1884, this struggle is by no means ended to-day.

Before enactment of the law of 1884, the penal code, reflecting the individualist philosophy of the French Revolution, prohibited all forms of associations of more than twenty persons without the explicit consent of the prefect. It was a criminal offense even to plan a strike. This prohibition applied to philanthropic, scientific, and educational, as well as economic and professional groups. The act of 1884 opened the door to the formation of *syndicats* having exclusively as their objective the study and defense of economic, industrial, commercial, and agricultural interests. Most French jurists are agreed that this law was not intended to apply to the liberal professions. Its author, Waldeck-Rousseau, went beyond this and explicitly declared at the time that its provisions excluded government employees.

But the interpretation of the law, so far as the latter point was concerned, was open to question. Many public employees performed functions analogous to the work of their comrades in industry. It could be contended that a worker in a State match factory, or a letter carrier, or a government mining engineer, enjoyed as fully the contractual relationship of employee to employer as if he were on the payroll of a private industrial or commercial concern. On the other hand, it was argued that the situation of administrative and executive officials was vastly different: they exercised in their own persons a portion of the "sovereign authority" of the State, and their prerogatives were fixed not by contract, but by statute and departmental regulations.

In this fashion, there arose the ingenious juristic distinction between *fonctionnaires de gestion* and *d'autorité*. Elaborated by certain eminent jurists, notably M. Berthélemy, this doctrine was sporadically invoked by the Government during the period from 1884 to 1901 as a "logical" basis for what was obviously a vacillating, opportunistic policy as regards the rapidly developing staff groups. Thus in 1886 the Government announced that it would permit the formation of *syndicats* in the State arsenals and manufacturing establishments, but oppose such action on the part of postmen and teachers. Eight years later (1894) State railway employees were allowed to organize; and in that same year the Chamber of Deputies significantly proposed that the Government apply the law of 1884 to industrial workers alike of the State and of private industry.

By 1899, M. Millerand, then Minister of Commerce, took a step in advance of this position by granting to certain postal employees the authorization to organize—an authorization which had been refused eight years earlier!

Meanwhile, the syndicalist movement spread by osmosis to other categories of public employees. In the face of this situation, the attitude of the authorities "alternated from strength to weakness." Some ministers lent encouragement to the associationist leaders; others threatened prosecution or dismissal. The Government was wavering between two contradictory tendencies: the desire, on the one hand, to give satisfaction to the mass of *fonctionnaires* (especially around election time!); and the will, on the other, to have the dogma of authority and the law of 1884 respected. The dilemma was indeed a vexing one.

Although it was still advanced in official quarters to justify an expediency, the distinction between *fonctionnaires de gestion* and *d'autorité* had in practice broken down by the opening of the present century. It proved impossible to secure agreement on where the former category ended and the latter began; for, as M. Lefas shrewdly observed, "a prefect administers as

much as he commands.”³ Contrarywise, a railway official or highway engineer, in drawing up reports on violations of governmental regulations, acts as much as a guardian of State authority as in a purely manipulative or technical capacity. And what of teachers and postmen—where do they belong? The attempt to draw such a line of demarcation utterly disregarded the psychological factors in governmental administration.⁴

The associations law of 1901 extended the right to organize to those groups, *e.g.* the liberal professions, which had been excluded by the provisions of the act of 1884. But it was still a right hedged about by formidable restrictions. No association susceptible of being interpreted as a “coalition” or “conspiracy” against the laws was permissible. Nor could associations formed within the terms of the act of 1901 acquire property or sue or be sued in the courts. Their professed objects were to be “the improvement of the social and cultural rather than the economic conditions of their members.”

Nevertheless, this law buttressed the thesis that fonctionnaires should have the same “freedom of association” as other citizens.⁵ Interpreting the new law liberally, most cabinets in power down to the period of the World War tolerated, when they did not openly recognize, the hundreds of civil service staff associations that were then rapidly coming into being.⁶ From 1901 to 1907 over 500 declarations of associations formed by State employees of all grades and services were registered by the *Journal Officiel*.⁷ Although most of these groups took the name of *amicales*, or “friendly” societies, a

³ *L'Etat et ses Fonctionnaires*, p. 148.

⁴ Laski has a brilliant analysis of this point in his *Authority in the Modern State*, pp. 353-365.

⁵ Duguit, for instance, held that since the general law of 1901 covered “all professional groupings having a legitimate purpose,” there was no need of a special act to deal with the employees of the State. Cf. his *Traité* (2nd ed.), Vol. III, pp. 217-233.

⁶ Established about this time, the League for the Defense of the Rights of Man vigorously encouraged the fonctionnaires to form associations and use the *recours pour excès de pouvoir* in their own protection.

⁷ Lefas, *op. cit.*, p. 151.

not inconsiderable number adopted the more aggressive term *syndicat* in defiance of the Government's openly hostile attitude.

When, however, certain groups went so far as to federate across departmental lines, horizontally as well as vertically, and to seek affiliation with the organized proletariat's C. G. T., successive ministries—Clemenceau's and Ribot's in 1907 and Briand's in 1910—took vigorous action. Speaking as head of the Government in the Chamber on 14 May, 1907, Ribot hurled defiance at the syndicalist leaders: "Dream if you wish, M. Jaurès, of a transformed society, but the public services are not charged with the responsibility of preparing its way; they are obligated to administer as best they can and defend if necessary the society now sheltering you. Such is their duty."⁸ Three years later M. Briand unhesitatingly did violence to his earlier socialist convictions by calling the railwaymen into military service in order to break their attempted national strike.

In spite of this show of authority by the Governments of the day, the associationist movement in the civil service steadily advanced. From the ranks of the subaltern employees the idea spread to middle-grade "bourgeois" officials. As early as 1904 a *Fédération des Fonctionnaires* was founded, with eight member associations.⁹ Inactive from 1907 to 1909, it was reconstituted with twenty associations, eleven more joining by 1913, only one of which, however, used the word *syndicat* in its title.¹⁰ The bourgeois press was infuriated by this move toward employee solidarity, M. Poincaré stigmatizing it as "a new power menacing national representation."¹¹ But the Government could not decree the illegality of the Federation, for it conformed strictly to the law of

⁸ Quoted in Harmignie, *op. cit.*, p. 337.

⁹ The most important initial constituent groups consisted of the staffs of the customs and indirect tax services and the clerks of the division of roads and bridges.

¹⁰ This was the *Syndicat des Employés de Perception* (tax collectors).

¹¹ *La Tribune du Fonctionnaire*, April, 1913.

1901.¹² As a matter of fact, the Minister of Justice in 1909 formally gave to "federations" of staff associations legal recognition.¹³

Parallel with this increasingly conciliatory attitude of the political authorities towards the formation of staff associations in conformance with the spirit of the law of 1901, there developed support from the courts. Up to 1908 only an individual employee could institute an appeal to the Council of State against "excess of power" (*recours pour excès de pouvoir*) by his superiors, with a view to defending his own interests thereby injured.¹⁴ In the latter year, however, the supreme tribunal established the precedent that an association might lodge an appeal in defense of the *collective* interests of its members.¹⁵ In 1913, a still more significant step forward was taken. In a famous case, the court admitted from an association of *lycée* professors, acting exclusively in the interest of an *individual* member, a request for the annulment of a ministerial decision affecting the member's pension.¹⁶ Simultaneously the Court of Cassation recognized the right of associations of *instituteurs* to institute suits for damages.¹⁷ Numerous other decisions fortifying this point of view were handed down by the Council of State during the years preceding the war.¹⁸ In commenting at the time upon the implications of this jurisprudence, M. Jèze wrote: "In my opinion, it would be better if the legislator did not intervene with a view to regulating employee associations and their right to institute judicial appeals: These are questions too delicate for the inexperienced hands of the members of Parliament. The Council of State has done more for the fonctionnaires than the

¹² While admitting this fact, Duguit condemns the move because of the danger of creating "a State within the State." *Traité*, Vol. III, pp. 241-248.

¹³ Frenoy, *Le Conseil d'Etat et les Nominations illégales*, p. 175.

¹⁴ Cf. Chap. III, section D.

¹⁵ Cf. J. Jourdanne, *Les Associations de Fonctionnaires et le Recours pour Excès de Pouvoir* (Paris, 1928), p. 73.

¹⁶ *Ibid.*, p. 93.

¹⁷ Berthélemy, *Traité* (12th ed.), p. 70.

¹⁸ Cf. Duguit, *op. cit.*, Vol. III, pp. 239-241, for citations.

legislative assemblies could possibly do.”¹⁹ Had the war not upset this evolution, it is possible that the line of development suggested by this publicist, if allowed to run its natural course, might have provided the means of harmonizing the positions of the State as employer and of its employees, and of ending the futile struggle for *un statut général* in the form of a legislative enactment.²⁰

To show what headway the associationist movement had gained by the even of the war, it is enough to record the fact that of between 900,000 and 1,000,000 public employees in all France (local as well as national), well over 600,000 had become adherents of some kind of *association* or *syndicat*. Nearly 1,000 different groups had been officially recognized. In almost all of the major services, at least, a majority of the staffs were organized; for the P. T. T. and the elementary schools the proportion was three-fourths; and for the customs and indirect tax divisions of the Treasury, it was nine-tenths.²¹ The general Federation, revived on a permanent basis in 1909, had recruited over 170,000 members, the four largest constituent groups being the following:

Elementary school teachers	100,000
Manipulative employees of the P. T. T.	23,000
Customs agents	14,000
Indirect Tax Collectors	9,000

Yet the percentage of genuine syndicalists in this total was still comparatively small. The majority of the rank and file could be classified as docile followers of a coterie of energetic leaders, the motives of some of whom, at least, were as much the desire for personal aggrandizement as an improvement in status for the mass of their comrades. Comparatively few of the upper tier of administrative officials had been allured into the syndicalist camp.

The war brusquely shifted the setting of the whole move-

¹⁹ *Revue du Droit public*, Jan.-March, 1909.

²⁰ Cf. Chap. III, sections A and B, for a fuller discussion of this point.

²¹ Harmignie, *op. cit.*, pp. 142-145.

ment. The critical economic predicament in which it left the *petits fonctionnaires*, together with the exploitation of the general unrest by skillful communist agitators, drew the ranks of French labor more closely together than ever before.²² In spite of repeated protests from a somewhat panicky Government, many of the civil service *amicales* proceeded to reorganize into full-fledged *syndicats*. Under the adroit leadership of the dynamic secretary of the C. G. T., M. Jouhaux, the national federations of postal employees, customs agents and municipal officials voted in quick succession, in the spring of 1919, to adhere to the C. G. T., "so that they might participate in the organization of a more humane and just society."²³ What alarmed public opinion most, however, was the action of the general federation of civil servants in substituting for *associations professionnelles* the term *syndicats* in the official name of the organization, and then voting to join the C. G. T.²⁴

To aggravate the already existing tension, the latter action took place immediately following the abortive general strike of May, 1920, when the French syndicalist movement was at the high tide of its expansion. The C. G. T. had grown from 400,000 members in 1913 to 2,400,000 in 1920. The membership of the *Fédération des Syndicats de Fonctionnaires* had almost doubled during the same seven year period. Inspired by events in Moscow (and possibly some funds), fiery extremists were seeking to capture control of French labor. It was these extremists that "forced the older and more moderate officers of the C. G. T., like Jouhaux and Dumoulin, into the strike." While the attempt at "direct action" failed because of "the fiery resistance of the bourgeoisie on the one side," and "the defection of considerable groups of organized workers from

²² At the time a joint mass meeting of protest, in which railway, industrial, and governmental workers participated, was held in Paris.

²³ *L'Humanité*, 14 March, 1919, as quoted in Marjorie Clark, *A History of the French Labor Movement, 1910-1928* (Berkeley, 1930), p. 64.

²⁴ The Executive Council of the C. G. T. voted to admit the *Fédération des Fonctionnaires* at once, but it took several years to iron out minor administrative differences between the two bodies.

the execution of the strike-program on the other," the Mille-rand Government determined at once to invoke bold repressive measures against the C. G. T., and to a less extent, the *fonctionnaires*.²⁵

For the former, these measures culminated not only in the imprisonment of many of the strike leaders, but in the legal dissolution of the organization itself.²⁶ One of the principal counts in the Government's indictment was that the C. G. T. had, contrary to the law of 1884, admitted into its fold the "illegally constituted" civil service federation. This action permitted the moderate element to regain control of the C. G. T. and expel the left wing from its membership, the latter establishing soon thereafter its own organization—the C. G. T. *Unitaire*—on an openly communist platform. By 1921 the rupture between the two labor groups became complete.

Relative to its own employees, the Government's policy took two forms. In the first place, it explicitly excluded them from the provisions of a new statute (passed in March, 1920) extending to the liberal professions authorization to form *syndicats* and conferring upon all *syndicats* the capacity to acquire, either by gift or by purchase, personal and real property. Article 4 of this act declared that "a special law will determine the *statut des fonctionnaires*." In June following, a bill to provide this status was brought forward by the Government. This bill authorized *fonctionnaires* to form professional associations, provided they did not have a political objective, but it specifically prohibited their adherence to all other groups, labor or otherwise.²⁷ The right to strike was categorically forbidden.

Against this measure the "federated" civil servants rose *en*

²⁵ The present writer has here drawn extensively upon his earlier account of French organized labor contained in Ogg and Sharp, *The Economic Development of Modern Europe* (Revised ed., New York, 1926), pp. 774-780.

²⁶ Pronounced on 13 Jan., 1921.

²⁷ Industrial employees of the State being excluded from these provisions, the implication was that they might affiliate with outside labor groups.

masse. By flamboyant placards and vociferous protest meetings they appealed to the public "to sustain them in their opposition" to this "measure of regression," the purpose of which was obviously "to destroy the *syndicat* altogether." They demanded for themselves the same status industrial labor had received, including the right to bargain as "trade unions" with the administrative authorities for "collective labor contracts." Only through syndicalist action, sounded the final note in this appeal, could "the modernization of antiquated administrative practices" be brought about.²⁸

The proposed *statut* failing of passage in Parliament, chiefly as a result of this campaign, the Government inaugurated a policy of prosecuting "key" leaders among the *fonctionnaires* for violating the law relative to their right to organize. It even decreed the dissolution of the national *Fédération des Fonctionnaires*—an order with which the latter organization flatly refused to comply.²⁹

The advent of Poincaré in 1922 was marked by an increasing antagonism on the part of the Government. In fact, during the entire period the reactionary *Bloc National* was at the height of its power, numerous civil servants, individuals and groups at times found themselves victims of an official hostility which waxed unreasonably bitter. For instance, a member of the Faculty of Sciences at the University of Caen, while absent from home, had his house entered by the police, who searched his personal papers and took away 600 private letters on the pretext that they contained information regarding the whereabouts of a man arrested at a meeting of the "*Jeunesse Sociale*" a few days before, at which the professor had spoken. In actual fact, the seized documents contained nothing about the meeting in question, but included the "archives" of a teachers' organization in which the Caen savant had played a prominent rôle. It was only after a written question in the Chamber that the Minister deigned to make an equivocal

²⁸ *La Tribune du Fonctionnaire*, 15 April, 1920.

²⁹ Cf. Clark, *op. cit.*, p. 65.

explanation of the affair to the effect he "did not regard it necessary to divulge the nature of disciplinary measures where the irregularity might thereby be aggravated."³⁰

Another example of this petty persecutionist complex was an order issued in 1922 to customs agents prohibiting them from reading any publications issued by "corporative" organizations.³¹ Still again, a guard in a State prison at Nice, whose record as an employee had admittedly been "irreproachable," was "offered" a transfer to Corsica. Upon examining his *dossier*, he discovered the reason: his rôle as secretary of the local *syndicat*. When he refused to accept the proposition to go to Corsica, he was peremptorily removed to a different but equally undesirable post.³² In similar spirit may be noted the practice of the Ministry of the Interior in sending spies to meetings of syndicalist organizations of policemen for the purpose of inflicting upon the leading participants disciplinary measures.³³

The national Federation itself suffered equally ignominious treatment. One Sunday in March, 1924, its central offices were searched by six police inspectors, the files of its secretaries and treasurer being ransacked and the list of subscribers to its journal being seized. This perquisition, it was charged in the Chamber, was intended both as a warning to the organization not to intervene in the approaching general election and as a means of combatting its efforts should it do so.³⁴

Even the attitude of the Council of State became appreciably less liberal during this agitated period—a time when the conservative press was resounding with alarms about "revolutionary" tendencies among the fonctionnaires, charging them with attempting to set up "a State within the State." In 1922 the court ruled that staff associations could not intervene in behalf of their members unless a judicial appeal had been directly requested by the affected parties.³⁵

³⁰ *Les Cahiers*, 20 Feb., 1922.

³² *Ibid.*, 10 April, 1924.

³¹ *Ibid.*, 10 Nov., 1922.

³³ *Ibid.*, 25 July, 1924.

³⁴ *La Tribune du Fonctionnaire*, 16 March, 1924.

³⁵ As cited in Jourdanne, *op. cit.*, pp. 149-154.

Again, in another instance, an appeal by the national *syndicat* of indirect tax officials was dismissed because the organization had represented itself not as a professional *association* under the law of 1901, but as a *syndicat* under the law of 1884. Here the court argued that the situation of civil servants was fundamentally different from that of private employees in that the former had, by accepting certain statutory and other guarantees, surrendered the right to unionize and go on strike. Another decision three years later confirmed this view.³⁶

In two other cases the Council of State dismissed appeals entered by "unions" (federations) of staff associations on the ground that such organizational solidarity, if carried to ultimate fruition, might become intolerable from the standpoint of maintaining discipline in the public services. What, queried the court, would happen if a "union" of the totality of 500,000 national fonctionnaires were to present its claims to the Government?³⁷

In fairness to the judges in these cases, it should be added that certain syndicalist groups were manifesting a growing inclination to abuse their privilege of appealing to the high court for protection by resorting to such action on the merest, often absurd, pretexts. Unduly provoked by Poincaré's repressive policy with regard to salary revision and the right of association, some of their leaders, moreover, had at times shown an insolence and pretentiousness in asking for redress which was shocking thoughtful people.

With the assumption of Herriot to the premiership, the Government took a more sympathetic position relative to the existence of *syndicats* among its employees. In a ministerial declaration to the Chamber in June, M. Herriot said: "We will ask Parliament to undertake administrative reform, which cannot be effectively consummated without the collaboration

³⁶ Jourdanne, pp. 133-143.

³⁷ *Ibid.*, pp. 143-148. Yet the Council of State continued to show solicitude for the interests of individual fonctionnaires by annulling numerous illegal appointments.

of the State's agents. The Government does not prohibit their professional organization. It accords them *le droit syndical*, but it declares that in case of collective action by the fonctionnaires against the interests of the nation, it will renounce none of the rights which other Governments have utilized and which they possess either by law or by jurisprudence."³⁸ If this statement amounted to a quasi-recognition of the legality of staff *syndicats*, the circular sent to all prefects in September carried the implication of full *de facto* recognition. This was an order for prefectures to enter into official relations with *syndicats* constituted by State employees.

But the syndicalist leaders again insisted upon a statutory guarantee.³⁹ In return, partly at least, for their active support of the *Cartel des Gauches* in the electoral campaign, they called upon the Herriot Government to sponsor a bill granting full recognition of their organizations. In consultation with delegates from the *Fédération des Fonctionnaires*, Herriot agreed to consider the text of a bill which proposed to extend the provisions of the law of 1884 to government employees.

Introduced into the Chamber in 1925, the bill was vigorously supported by the Federation and left wing deputies, but for various reasons, notably the instability of successive parliamentary majorities, it was never voted.

After three years more of this anomalous situation, the issue was pressed again. A new bill granting full syndicalist rights was proposed by M. Chabrun, the same deputy who had sponsored the 1925 project for the Federation, only to be defeated without debate by a vote of 330 to 190 after it had been made a matter of confidence by Poincaré.⁴⁰ Despite the fact that, at the opening of his ministry, the latter had declared himself favorable to extending the laws of 1884 and

³⁸ Quoted in Jourdanne, *ibid.*, p. 28.

³⁹ The *syndicats* were still without a juridical personality and were forbidden to strike. The Government broke off relations with the "unitary" Federation of Postal Workers because of alleged communist propaganda. *Le Temps*, 19 June, 1925.

⁴⁰ Cf. *Le Temps*, 18-19 March, 1928.

1920 to the fonctionnaires, his Government now took the position that the question was so intertwined with the larger problem of codifying civil service rules that it would be better to wait until the two matters could be considered correlatively.

In civil service circles such cavalier treatment from the Government gave rise to furious resentment. *La Tribune du Fonctionnaire* published the name of every deputy who had cast his vote against the Government's motion of confidence and asked all true syndicalists to reward him with support in the impending general elections.⁴¹ To secure solidarity of action, a "cartel" of all the important staff federations was established, including the general federation, the postal workers, the elementary and secondary school teachers, State laborers, lighting services, health services, public utilities employees, tobacco workers, and railway men.⁴² Propaganda of the most intensive type was instituted with a view to electing deputies favorable to an unqualified recognition of syndicalist rights. To each candidate for the Chamber two questions were submitted: (1) Will you vote to transform into a state of law the *de facto* situation which the *syndicats de fonctionnaires* have enjoyed since 1924? (2) Do you admit and will you sustain our thesis that considerations of *statut* should in no wise restrict *le droit syndical*?⁴³

After the elections, which, although confused as to other issues, gave Poincaré and his *Union nationale* cabinet a mandate to carry on fiscal stabilization, the debate was reopened on both sides. At the time of writing these lines (October, 1930) the *de facto* impasse was still holding. It may be summarized as follows: The position of the Government under Poincaré and Tardieu (and conservative opinion generally) had advanced from the earlier denial of the right of State employees to organize even on a "craft" basis to a willingness to

⁴¹ Issue of 24 March, 1928.

⁴² In this grouping, there were local as well as national employees.

⁴³ *La Tribune du Fonctionnaire*, 28 April, 1928.

concede the legality of *syndicats* confined in membership to employees of a single service or department performing similar functions; but it still insisted on outlawing the federation of groups in different services, federation with groups in other countries, or their affiliation with industrial labor organizations. According to the militant elements on the staff side, such restrictions would mean the death of the syndicalist movement. What they stubbornly and with doctrinaire intransigence demanded, was a simple recognition of integral syndicalist rights conferred under the laws of 1884 and 1920, with full juridical capacity for their organizations and with no limitations on solidarity of action among themselves or with their "comrades" in the industrial world.⁴⁴

The legal anomalies of this situation serve as pretexts for spasmodic recriminatory acts and abuses on both sides. This is especially true of the government when, for example, it threatens, as it did in 1928, to terminate arrangements whereby certain employees in good standing have been allowed definite leaves of absence to serve as officers (especially secretaries) at the headquarters of their own *syndicats*—*syndicats* still of dubious legality!⁴⁵ Or, again, when certain controllers in the Division of Direct Taxes are disciplined in arbitrary fashion for having participated in syndicalist meetings which were convened to consider ways and means of calling the public's attention to staff demoralization by reason of flagrant scandals and fraudulent evasions in the collection of income taxes.⁴⁶ On the staff side, the situation is of course shot through with a "persecutionist complex" which impels their leaders to carry their grievances and demands directly to parliamentary committees and radical party groups without prior consultation with departmental chiefs.⁴⁷

⁴⁴ For a cogent statement of the staff view, cf. Charles Laurent's testimony before the labor committee of the Chamber, as reported, *ibid.*, 1 Dec., 1928.

⁴⁵ *Ibid.*, 25 Aug., 1928.

⁴⁶ *Ibid.*, 3 March, 21 July, and 25 Aug., 1928.

⁴⁷ A ministerial circular prohibiting such "direct action" was issued in 1929. Cf. *ibid.*, 6 July, 1929.

At its best the *status quo* is an unstable equilibrium—a truce, as it were, between the strong arm of State authority and the organized numerical force of those who man the public services. At its worst, it occasionally becomes guerilla if not open warfare.

B. THE FEDERAL STRUCTURE OF STAFF SYNDICALISM

In the preceding section it was pointed out that by the eve of the World War the staff association movement had permeated most of the subordinate and intermediate grades of the service, and that over thirty groups, organized principally on the "trade" or "craft" basis had, after one or two set-backs, succeeded in establishing a national federation whose strength exceeded 200,000 members in 1913. Desiring no restrictions on their independence of action, the school teachers and P. T. T. employees (the latter being "federated" among themselves), had by then decided to organize separately from the general federation.

While war-time mobilization brought the movement temporarily to a standstill, the skeleton nuclei managed to live as best they could. Upon the cessation of hostilities, a marked revival took place. This revival was caused chiefly by the critical economic plight in which government employees found themselves, but partly, also, by the fact that during the peace negotiations organized labor had been called into collaboration by the Government itself. Concerned with allaying the growing restlessness of its workers, the latter seemed almost ready to admit, at any rate for the time being, the principle of affiliation with the C. G. T. As we have seen, the rise of the bogey of Bolshevism in France, with the attendant temporary capture of the C. G. T. by the extremist element, radically changed the picture. The attempted dissolution of the C. G. T. in 1920, and the consequent schism between the moderates and revolutionaries in the French labor movement the following year, had its repercussions on the structure and tactics of ad-

ministrative syndicalism. As economic conditions grew worse, the more aggressive leaders among the subaltern civil servants refused longer to keep step with the dominant *syndicats*, for, in their eyes, the latter groups were pursuing too timid a policy for the best interests of the administrative "proletariat." Incited by Moscow and the newly organized French communist C. G. T. *Unitaire*, this disaffected minority broke away from the moderate staff groups and formed dissident organizations.

The driving force behind this extremist "secession" came from two groups: (1) the subaltern manipulative workers in the P. T. T. and (2) the subordinate employees in the customs and the indirect tax services. The former set up in 1922 a *Fédération nationale unitaire des Travailleurs des P. T. T.*, which claimed by 1927 to have 20,000 members.⁴⁸ It publishes a propagandist bulletin entitled *Le Travailleur des P. T. T.* and proclaims the general strike as one of its foremost instruments of action. Although maintaining organizational independence of the older *Fédération postale* 70,000 strong, the communist group does not hesitate to co-operate actively with the latter when it comes to exerting pressure upon the Government for higher pay and better working conditions. To the present writer, when he interviewed them, the officers of the "*Unitaires*" appeared to be men with wild tongues, but timid arms and feet.

Led by two agitators embittered by having been disciplined for insubordination, a considerable portion of the employees *des douanes actives* and the *contributions indirectes* broke away a few years later from the *Fédération des Fonctionnaires*, carrying their respective *syndicats* with them. The *petits fonctionnaires*, according to these militants, were being sacrificed for the *moyens* and the *gros*, so that it was time to institute aggressive action independently of the "defeatist"

⁴⁸ This claim was disputed by the secretary of the older postal federation, who put the total strength of the communist group at no more than 15,000.

directors of the general federation and the C. G. T. At the 1927 Congress of the former, these disaffected *syndicats* were expelled for refusal to pay their dues. As a consequence, they formed the following year their own organization—*La Fédération autonome des Syndicats de Fonctionnaires*—and affiliated with the communist C. G. T. U. The total membership of this dissident organization in 1928, however, probably did not exceed 35,000, as against 215,000 in the older and more moderate group.

All in all, it is not likely that over ten or twelve per cent of the aggregate strength of the staff groups, including the workers in the State industrial enterprises, have been lured into the camp of the extremists. The vociferous intensity of the latter, especially during the electoral campaign in 1928, is disproportionate to their numerical strength. The chances that they will increase at the expense of the moderates are in large measure conditioned upon the degree to which the force of communism takes root in France. Given the inherent bourgeois conservatism of the French population, the outlook for such a development would not seem particularly bright.⁴⁹

The communist schism apart, the structure of French administrative syndicalism since the war has been marked by three main tendencies: (1) a growing internal solidarity, (2) a closer working relationship with the organized labor movement as typified by the C. G. T. under the constructive leadership of M. Jouhaux, and (3) the assumption of an important rôle in the development of an international (largely intra-European) organization of civil servants along moderate, non-revolutionary lines.

Internally, the federated portion of the movement has grown slowly but steadily. From embracing only 30 or so constituent associations in 1913, the *Fédération des Fonctionnaires* could count 50 at the Armistice and well over 100 by

⁴⁹ Although in 1928 one out of every ten voters in France cast communist ballots.

1929. Functionally, these member groups are distributed as follows: ⁵⁰

	NUMBER OF GROUPS	ESTIMATED MEMBERSHIP
Public Instruction and Fine Arts..	29	90,000
Finance	22	55,000
Public Works	11	54,000
Agriculture	10	5,700
Interior	8	7,000
Labor and Hygiene	8	1,000
Justice	4	5,000
Merchant Marine	4	2,500
War	3	4,600
Navy	3	2,100
Central Offices	2	3,500
Colonies	1	250
Commerce	1	350
Aeronautics	1	750
Total	107	231,750

Organically outside the general *Fédération*, but working in close entente with it, is the powerful *Fédération postale*, with about 75,000 members, and composed of three large syndicates of *agents*, *technical employees*, and *workers* respectively. This gives a grand total of over 300,000 for the two major federations. Typical of the individualist traditions of Frenchmen, there is also a considerable number of smaller non-adhering groups, some of them quasi-syndicalist in pattern but with a sectarian facade,⁵¹ and others consisting of *Amicales* of high officials who refuse to join the "trade unionist" rank and file. Important groups among the *Amicales* are: (1) *L'Union syndicale du Personnel supérieur des Administrations centrales*, (2) *l'Association des Fonctionnaires et Agents du Ministère des Affaires étrangères*, and (3) *l'Association amicale de le*

⁵⁰ As recorded by *La Tribune du Fonctionnaire*, 4 May, 1929. The estimates of membership here presented are based upon information obtained from the offices of the *Fédération* in the summer of 1927 and various issues of *La Tribune* appearing during 1928 and 1929.

⁵¹ Particularly the Catholic groups.

Magistrature. These societies devote themselves almost exclusively to a discussion of professional problems, together, in some instances, with the doling out of fraternal aid to the needy widows and orphans of their members. Their attitude toward the Government is ordinarily quite docile. In fact, they are often accused by the syndicalist masses of working hand in glove with the "ruling politicians" against the interest of those lower down the administrative ladder. In some measure, this comes from an irradicable antipathy between *les gros* and *les petits* growing out of the Frenchman's instinctive penchant for equality.

About one-third, or slightly less, of the full-time permanent employees of the national government have thus far remained adamant to the call of corporative organization. However promising the future of the movement may be, a considerable proportion will doubtless always remain outside its reaches—in harmony with the spirit of the political *non-inscrits* in the Chamber of Deputies!

Standing mid-way between the full-fledged civil servant groups and industrial labor are a half dozen strong syndicalist federations of workers in governmental industrial enterprises and public utilities, local as well as national. Listed in order of numerical importance these organizations, with approximate memberships as of 1927, include the following:

<i>Fédération des Cheminots</i> (Railway employees) ..	50,000
<i>Fédération des Services Publics</i> (Employees of local public utilities and services)	45,000
<i>Fédération des Travailleurs de l'Etat</i> (Industrial labors on national Government's payroll)	20,000
<i>Fédération des Tabacs</i> (Workers in State Tobacco monopoly)	15,000
<i>Fédération du Service du Sante</i> (subaltern employees of public health agencies)	6,000
<i>Fédération de l'Eclairage</i> (Workers in Electrical utilities)	Unknown

As already stated, the foregoing six groups, plus the postal federation, had until 1927 remained organizationally aloof

from the general civil servant federation. To the P. T. T. militants, the spirit and program of the fonctionnaires' organization in the fight for salary revision had seemed too timid. But after the latter definitely reaffirmed its intention of affiliating with the C. G. T., a tentative understanding for a joint action was reached by the two groups (P. T. T. and civil servant federations), the initiative in bringing them together being taken by Jouhaux and other labor leaders. The result was the establishment in the spring of 1927 of the *Cartel des Services publics confédérés* to which reference has already been made.⁵² While reserving to each of the nine member groups complete autonomy in those professional matters peculiar to its own clientele, this type of loose confederation was designed by the C. G. T. to bring about greater solidarity in defense of the economic interests of workers living off public and quasi-public pay rolls throughout the country. A definite constitution fixing the rules of the Cartel's administration and financing was drawn up by representatives of the federations concerned. During the first year of its existence the Cartel pursued a vigorous campaign in defense of (1) State monopolies then being attacked by conservative opinion, (2) the *droit syndical*, (3) and the "revalorization" of salaries and pensions.⁵³

When it came to working out in detail the position that the *Fédération des Fonctionnaires* should occupy inside the C. G. T., important differences of opinion had to be resolved. The leaders of the civil servants desired their organization to enter *en bloc* as representative of the ensemble of national government employees, (excepting, of course, the P. T. T. workers). But the constitution of the C. G. T. provided that its members should consist of groups organized by industries, *i.e.* food-stuffs, transport, leather, wood, textiles, and so on. It was argued, therefore, that the civil servants should be function-

⁵² Cf. *supra*, p. 474.

⁵³ By means of placards, brochures, mass meetings and direct appeals to parliamentary groups,

ally re-grouped according to the different departments (e.g. P. T. T., education, finance, public works, etc.) before entering the confederation of labor. This thesis won considerable support from the postal and educational groups, accustomed for years to acting more or less independently of the general federation, but was strongly combatted by the latter on the ground that its adoption might endanger the corporate unity of the civil service movement.

It took two years to thrash out this issue in committee room and on the floor of national congresses. A compromise was reached in 1929 by which the C. G. T. officially recognized the *F. des F.* as a "central" organization of civil service unions.⁵⁴ Inside the C. G. T. it was to be represented in all committees, but it would also be expected to form within itself sections along departmental lines—sections that would likewise directly adhere to the C. G. T. Such internal sections, however, were to submit to the labor confederation only questions of social or technical import, like the reorganization of public education, the reform of public finances, or the unification of traffic. Their dues were to be paid to the C. G. T. through the *Fédération des Fonctionnaires*, which alone was to represent the interests of the civil servants before the governmental authorities and public opinion.

In advance of this decision a general federation of teachers (*Fédération de l'Enseignement*) had been formed in 1928, bringing together between 80,000 and 100,000 members of the instructional staffs of elementary and secondary schools.⁵⁵ The culmination of several years' effort on the part of the officers of the national *syndicats* of *instituteurs* and *lycée* professors, this step was alleged in no sense to be hostile to the *F. des F.*, to which the new body belonged, but was taken in conformance with the wishes of the C. G. T.

So far as the postal and general civil servants' federations

⁵⁴ By vote of the federal congress of that year.

⁵⁵ The traditional aversion of the majority of *lycées* teachers to syndicalist organization had been worn away by the long drawn-out salary "crisis."

are concerned, their position in the C. G. T. leaves them complete administrative autonomy both as regards the latter and each other. Each may decide upon its own program and be its own judge of the means for carrying it into effect. To an outsider their presence in the C. G. T. would seem to be more significant as a gesture of *camaraderie* and as conveying to the public the impression of a solid labor front than as an indication of fundamental unity in economic aims or outlook. One has only to listen to the private conversations of prominent French labor leaders to discover how sceptical they are about the genuineness of the reputed conversion of their "conservative bourgeois" comrades in the ministries to syndicalism as the industrial proletariat understands it.

In addition to achieving measurably greater solidarity within its own ranks and drawing more closely to organized labor, French administrative syndicalism has since 1920 actively furthered the movement for the international organization of civil servants. While a comprehensive consideration of this interesting movement falls outside the province of this book, it may be said in passing that the *International Federation of Civil Servants*, with headquarters at the Hague, has had since its inception no more ardent supporter than the French federation. Similarly, the development of the growing *Internationale des P. T. T.*, with headquarters at Vienna, has been vigorously and constantly aided by the French postal federation.

More important still is the action of an enthusiastic group of French *instituteurs*, all of them officers of the *Syndicat national*, in taking the initiative of reviving in 1926 the International Federation of Teachers' Associations.⁵⁶ In less than three years this organization grew from 360,000 members representing four countries to nearly 600,000 distributed among

⁵⁶ The re-establishment of this organization dates from a dramatic meeting of French and German teacher delegations in Holland in June, 1926. It publishes an informing quarterly bulletin and has its headquarters offices in the International Institute of Intellectual Co-operation in Paris.

twenty nations. Grouping around the common ideals of general European reconciliation and educational advancement, the men and women, from former enemy as well as allied nations, who are moulding the youth of Europe during their most formative period, such a movement as this bids fair to exercise a markedly beneficent influence upon the future course of international cultural and political relations on the Continent.⁵⁷

In all these phases of international co-operation great emphasis is laid upon its non-revolutionary character. Scorning the third International to which the dissident communist groups adhere, the moderate syndicalist federations prefer to follow the C. G. T. by aligning themselves with the reformist Amsterdam movement rather than with extremist Moscow. The loyalties of the French fonctionnaire are too firmly rooted in national soil to make him fertile material for super-national agitators.

C. ORGANIZATIONAL PROCESSES AND LEADERSHIP

In its internal make-up, the organization of unit staff associations closely adheres to the hierarchical pattern of a labor *syndicat*. Each has a definitive written constitution prescribing the basis of individual membership, representation in regional and national congresses, annual dues, delegation of power, and the objectives and modes of action of the organization. The size of individual *syndicats* varies from less than a hundred to tens of thousands of members. Where the unit of organization is the personnel of a single office or central establishment, as, for instance, the Government Printing Office or General Bureau of Statistics, internal procedure remains simple and direct. But in the case of *syndicats* covering a national field establishment, an elaborate hierarchical plan of organization is utilized.

⁵⁷ Especially in purging school text books of an overly bellicose emphasis.

Let us take as an example of the large scale national type the *Syndicat des Agents des P. T. T.*, with a total of 30,000 members. Here the local unit is the *section*, of which there may be, with the exception of Paris, only one in each locality, or, in rural districts, one in each *département*. All the local *sections* of each regional area into which the country is divided for P. T. T. administration constitute a *région syndicale* directed by a regional committee and a regional secretary.

Super-imposed on this network of local sections and regional committees are the three organs whose business it is to administer and control the affairs of the national *syndicat* during the intervals between the meetings of the biennial congress. The first of these is a *conseil d'administration* composed of the 25 regional secretaries, plus 15 members elected by the sections of the Seine (in and around Paris). This council meets regularly four times a year and may be convened at other times by the *commission executive*. The latter body, consisting mainly of the Parisian members of the council and meeting twice a month, exercises substantially the same executive authority as the council *ad interim*. Finally, at the apex of the administrative structure, stands the *bureau*, composed of the permanent secretariat and a small number of delegates chosen by and from the executive commission. The term of all the members of these three central administrative agencies is limited to two to four years, but being re-eligible, the majority serve considerably longer periods.

General deliberative and legislative functions are exercised by a national congress meeting every two years.⁵⁸ Its personnel is made up of delegates chosen by the local elections in the ratio of one representative for every hundred members or major fraction thereof. The agenda for the congress is drawn up several weeks in advance by the executive commission, which also designates a *rapporteur* to present each item to the assembled delegates. The order of business is published in the

⁵⁸ The congresses of most other *syndicats* convene annually.

journal of the *syndicat* a fortnight prior to the convocation of the congress.

Two methods of voting are used in the meetings of the congress and council of administration, as follows: (1) on ordinary routine questions, the raising of hands; and (2) by general consent or upon the demand of 50 delegates, a roll call, the numerical result being pro-rated according to the quota of members represented by the respective delegates. Only the congress itself has authority to amend the constitution (*statuts*) of the *Syndicat*.⁵⁹

In syndicalist circles, the direct referendum is never used. Thinking in terms of the historic *coups d'état* of which it has often been the prelude in French national politics, syndicalist leaders fear its consequences. All important decisions on policy, even to the declaration of a strike, may be taken by the appropriate representative organ.⁶⁰

With minor deviations, the scheme of representation and control outlined in the foregoing paragraphs is found in every national *syndicat*. In the federations there is one important difference: they employ a double basis of representation. On the one hand, member *syndicats* are entitled as such to direct representation on the federal council and in the federal congress on a quota basis favoring the smaller groups, but at the same time allowing weight to the factor of numerical size.⁶¹ In addition, there are local inter-syndical sections, grouped by territorial regions, each of which may send its own delegates

⁵⁹ Usually an amendment requires a two-thirds or three-fourths vote.

⁶⁰ Authority to call a strike is ordinarily lodged with the central *conseil d'administration*.

⁶¹ In the *Fédération des Fonctionnaires* these quotas run as follows:

MEMBERS	NUMBER OF DELEGATES
100 or less	1
101 to 500	3
501 to 1,000	6
1,001 to 2,000	12
2,001 to 5,000	20
5,001 to 10,000	30
10,001 to 20,000	40
20,001 to 30,000	50
Over 30,000	60

to the federal council and congress by a similar quota arrangement. By this double process both the territorial and the numerical principles are ingeniously combined so as to recognize regional vitality as well as the relative strength of national and local units. It goes without saying that the primary purpose of a degressive ratio of representatives to numbers represented is to prevent the largest staff groups, or regions, from securing complete control by sheer force of numbers.

The success of trade-unionist movements everywhere has been conditioned more by the quality and force of their leadership than by any other single factor. French administrative syndicalism offers no exception to this rule. A sluggish rank and file must be not merely led, but driven.⁶² Confining his attention to the moderates, one clearly discerns that those groups fortunate enough to have been guided by men of vision, of unflinching courage, of enthusiasm, of tact, and above all of persistent faith, have gone farthest in developing a strong, well-balanced corporate consciousness. It would be too much to expect this ideal combination of qualities in many of the persons directing syndicalist action. Some have been men of narrow outlook; a few, impractical visionaries; others, of insolent manners, resorting upon occasion to abusive epithets; still others, self-seeking agitators. The personality trait most common to these leaders seems to be the faculty of keeping their ears to the ground, of knowing the tempo of their followers. The spirit of syndicalism shuns dictatorship. Second only to the quality we have just suggested comes a dogged resolution to carry on in the face of repeated rebuffs.⁶³

⁶² In many *syndicats* the meetings of local units are reported to be poorly attended except when questions affecting rates of pay are under discussion.

⁶³ A remarkable example of this second characteristic came to the writer's personal attention. Two young *instituteurs* of keen intelligence and unflinching determination told him how they were leading "two lives"—one in the classroom until six p. m. every day (except Thursday) and the other outside until midnight, partly on professional writing and partly on work for their *syndicat*, for which they were serving

him, but his accounts are subjected each year to careful inspection and audit by a special committee elected directly by the general congress, to whom it must make report. If one may judge from these reports, fiscal irregularities are virtually unknown. Chief complaint arises from the meagreness of income with which the central organizations must struggle along. The principal available forms of revenue—entrance fees and annual dues—necessarily represent but modest sums; nor are they appreciably supplemented by special donations or legacies. The central treasury can count at best upon receiving only a few francs a year per member, the local sections retaining a certain percentage of the annual dues to cover their own expenditures.

Certain groups have been able, nevertheless, to acquire title to the quarters in which their central offices are housed. In the case of the general *Fédération* and its principal constituent units, an entire building of modest and somewhat dingy aspect was procured some years ago for offices.⁶⁷ Aside from rooms for secretarial activity, the keeping of records, and so on, it contains a limited number of rooms for the meeting of committees, to which, incidentally, an outsider usually seeks admission in vain!

In respect to internal office procedures and equipment, the impression received from visits to these central offices is surprisingly favorable. Their interior appearance is usually neat and trim, telephones and typewriters being more in evidence than in most government offices. Beyond that, the visitor often senses a more sympathetic atmosphere (except with the communist groups, who innately view every stranger with suspicion) than he feels in the typical ministerial bureau.

After salaries and rent, the first charge on the revenues of staff associations is the publication of a professional bulletin, subscriptions to which are ordinarily included in the member-

⁶⁷ Located at 5 Rue de Poitiers near the *Gare d'Orléans* on the Left Bank. The postal federation, however, has its offices in the C. G. T.'s building at 211 Rue Lafayette. Requiring the use of large auditoriums, the general congresses are held elsewhere in Paris.

ship dues.⁶⁸ Appearing weekly or monthly, these bulletins run literally into the hundreds.⁶⁹ In 1927 there were 64 dealing with the corporate interests of P. T. T. employees alone. No matter how small or poor a group may be, it invariably attempts to publish a periodical news sheet. By reaching that element in the rank and file too apathetic to attend the meetings of its *syndicat*, the printed bulletin often serves as the only available instrument of sustained propaganda touching everybody. From the offices of the larger groups, there also flows a succession of special brochures and posters in proportion as occasion demands and resources permit. Every organization likewise has its *commission de propagande*, the function of which is to lay out the strategy of its pressure campaigns.

D. SYNDICALISM AS AN AMELIORATOR OF EMPLOYMENT CONDITIONS

The concrete activities of French employee organizations may be classified under four general heads: (1) social welfare measures in the interest of the members, (2) efforts to secure better pay and more favorable working conditions, (3) the promotion of improved administrative processes, and (4) the dissemination and propagation of social and political ideas. In weighing the relative emphasis placed upon these different

⁶⁸ Although in the larger federations an extra charge is often made for the bulletin.

⁶⁹ The syndicalist bulletins published by the more numerous syndicalist groups include, in addition to *La Tribune du Fonctionnaire* of the *Fédération*, *La Voix des Ministères*, published by the staffs of the central administrative offices; *La Vie syndicale des Indirectes* and *Le Reveil des Indirectes*, by the division of Indirect Taxes; *L'Essor*, the organ of the *service sédentaire* of the customs; *L'Action douanière*, published by the *service actif* of the customs; *L'Enregistreur*, journal of the agents of the Division of Registration and Stamps in the Treasury; *Le Réveil des Cantonniers* (road-menders); the publications of the chief P. T. T. groups—the *Bulletin du Syndicat des Agents*, *Les P. T. T.*, *Le Travailleur des P. T. T.*, and *L'Ouvrier des P. T. T.*; and the two leading school-teacher journals—the *Bulletin du Syndicat des Professeurs de Lycé* and *Le Bulletin du Syndicat des Instituteurs et des Institutrices*. Most of the foregoing appear monthly.

lines of activity, it is necessary to keep constantly in mind the day-to-day practical program of syndicalism. This differs as widely from the grandiose proclamations of syndicalist theory affording outlet for syndicalist orators, as military tactics in the midst of an actual campaign may depart from schemes of strategy elaborated in advance by a general staff.

Of the four types of activity enumerated above the first is by all odds least important. French staff associations do not indulge in extensive programs of welfare work and mutual self-help. For one thing their financial resources are too meagre; for another, Frenchmen of whatever class are prone to look rather to Church or State for social relief than to voluntary coöperative effort. It is true that certain of the larger *syndicats* have instituted modest insurance funds against losses resulting from disciplinary penalties imposed upon their members because of syndicalist activity; or to defray the funeral expenses of deceased comrades. A few groups, also, have undertaken to run correspondence or night schools to assist members in preparing for staff examinations. One or two *syndicats* have even tried, with indifferent success, to operate orphanages. In 1928, moreover, the central *Fédération* launched a mortgage investment company of modest proportions.⁷⁰ But the total volume of these *oeuvres d'assistance* not only has been insignificant, but is likely to remain so.

During the past ten years there is no doubt that the vital effort of the forces of syndicalism has been centered upon defending and improving the economic status of the rank and file. Reference to this phase of employee corporate activity has already been so repeatedly made that further amplification at this point would be superfluous.⁷¹ We need merely to recall the prolonged struggles for salary revision and standardization, the fight for family allowances, for cost of living bonuses, for retirement and disability pensions, for shorter hours, vacation privileges, medical assistance, and better sanitary conditions—

⁷⁰ *La Tribune du Fonctionnaire*, 17 Nov., 1928.

⁷¹ Cf. especially Chap. VIII.

most of which efforts were crowned with partial, if not complete, success—to realize the scope and power of collective bargaining by staff groups. By incessant propaganda through their own publications, by petitions pressed upon legislative and executive authorities, by vigorous lobbying before parliamentary committees, by holding mass meetings of protest, by open participation in electoral campaigns—by all these and other methods, their organized force has made itself felt, sometimes vehemently, sometimes unreasonably, occasionally from mean and vindictive motives, but more often than not with a full measure of justice on the staff side. One may even trace the actual drafting of official departmental regulations to staff committees set up by syndicates.

To be sure, the prosecution of the long and bitter campaign to restore government salaries to their pre-war purchasing power has given rise to considerable internal friction between different groups. Evidences of a naïve jealousy of one clique toward another are not lacking. From time to time, moreover, the larger subaltern groups have taken what to most would seem an extreme position in favor of the principle of the *traitement unique*, i.e., of having a single rate of pay for a given grade instead of a graduated scale, the problem of selecting men for intermediate increase being thereby eliminated. But in the light of the extraordinarily critical material situation of junior employees from 1920 to 1929, it is comprehensible that such a proposal should have been formulated as a means of raising rates of compensation to existing maximum levels. The psychological value of doling out niggardly increases in pay at frequent intervals is by no means undebatable. All in all, one feels disposed to believe that without the concerted efforts of their own organizations the army of State employees would have had to wait much longer than they actually did for official recognition of their lamentable economic situation. It has been the experience of government employees everywhere that the amelioration of their material status must have organized self-pressure as its initial impetus.

E. THE PROMOTION OF ADMINISTRATIVE REFORM

Contemporary syndicalism is concerned by no means exclusively with the improvement of the material conditions of government staffs. Notwithstanding the apparent concentration of effort toward material ends during the disturbed post-war period, the underlying orientation of the movement has been in the direction of developing higher personnel standards and greater technical efficiency in the operation of the public service. This growing interest in administrative reform on the part of organized government employee groups but reflects the contours of the larger syndicalist picture as it has developed since the war. As early as 1920 the C. G. T. began to shift its focus from *revolutionary* to *evolutionary* objectives. Its abortive attempt at that time to persuade the Government to establish a national economic council as the central instrument with which to reconstruct industrial life on a broad coöperative basis represented an initial effort to rely on what M. Maxime Leroy has brilliantly denominated "*les techniques nouvelles du syndicalisme*."⁷² Concurrently, as the industrial syndicalists (extremists apart) moved forward along the road of constructive coöperation with the Government in advancing liberal economic, social, and diplomatic policy, the administrative wing of the movement laid diminishing stress upon those militant shibboleths of pre-war days heralding the cataclysmic advent of a full-fledged syndicalist order in which every public service, like every industry, would function as a "self-governing guild." Jurists like M. Barthélemy might still belabor the *syndicats* as "*asiles de la révolution future*," but the day-to-day realities of growth were producing in them deeper and deeper impulses of conservatism.

Nothing in recent years so forcefully demonstrates how far this re-orientation in outlook has gone as the constant reiteration by *La Tribune du Fonctionnaire* of the loyalty of the

⁷² Cf. his essay under this title (Paris, 1921).

syndicalist movement to republican principles. Against Bolshevism and Fascism alike it is pictured as standing as a valiant watchdog for democracy. To adapt the processes of the State to the complex needs of contemporary society is imperative, but, eloquently argue the syndicalist chiefs of to-day, this modernization must take place within the confines of republicanism.⁷³

In short, far from behaving as "instruments of general combat," the major staff organizations are these days looking increasingly toward the investigation of time-worn bureaucratic malpractices and the development of constructive reform proposals.⁷⁴ The one continuous thread running through our analyses of French personnel practices has been the growing insistence of staff groups that the triple scourge of personal favoritism, nepotism, and political interference should give way to the principle of professionalization. The wide extent to which competitive recruitment has replaced partisan appointment during the last half century bears witness to what is doubtless the major contribution of corporate staff consciousness to French public administration. Second to this is the extension to the majority of departments of the principle of promotion based upon the measurement of individual performance, although often applied, unfortunately, in far too mechanical and automatic a manner. In the third place, of course, stands the establishment of the elaborate system of juridical protection against the abuses of authority and unjust dismissal.

In the sphere of organizational and procedural reform, there has to date been infinitely more talk than constructive accomplishment. Staff syndicalism operates mainly by volunteer committees and periodic deliberative assemblies.⁷⁵ These are

⁷³ Cf. Georges Mer, *Le Syndicalisme des Fonctionnaires* (Paris, 1929), Chap. I.

⁷⁴ Even before the war signs of this attitude were beginning to appear. Cf. the *Rapport du Congrès de la Fédération* (1910).

⁷⁵ The limitations of this operational pattern for sustained constructive effort were early pointed out by D'Hugues, *op. cit.*, pp. 193-195.

devices which lend themselves more easily to oratory than to detailed planning based upon preliminary factual research. For the latter, full-time secretariats adequately equipped in terms of material facilities and technical capacities are indispensable. We have already noted how the stronger groups are progressing toward the establishment of such secretariats, but it is at best a progress discouragingly slow and halting. The creative idealism and constructive vision of a few leaders must constantly lay down a barrage against the inertia of the rank and file. None the less, there are substantial contributions to record. The limits of the present study permit reference to only a few of the more outstanding items.

Of the larger staff groups, the P. T. T. *syndicats* have devoted the greatest attention to the formulation of plans for the reorganization of administrative services. Since 1920 they have incessantly advocated the so-called "industrialization" of the P. T. T. Originally this proposal formed a part of the neo-syndicalist program, adumbrated by the C. G. T. after the war and looking toward the nationalization of such public utilities as the railways, the mines, the hydro-electric industry and postal, telegraphic and telephonic communications, on the basis of complete financial and operational autonomy.⁷⁶ Under such a plan the P. T. T. would be managed by a board of directors composed of three equal classes of members: (1) representatives of the staff (workers and technicians), (2) representatives of the users designated one-half by consumers' co-operatives and one-half by industrialists, and (3) representatives of the Government. This tri-partite board would be granted broad powers covering the preparation of the budget of the enterprise, appointment and dismissal of personnel, and the determination of working conditions in coöperation with the *syndicats*. From the fiscal standpoint, the independence of the "*Office national des P. T. T.*," as it was proposed to call the new organization, was to be complete except for

⁷⁶ Cf. G. Pirou, *Les Doctrines économiques en France depuis 1870* (Paris, 1925), pp. 87-89.

paying to the State treasury certain fixed obligations. The degree of control exercised by the Government over the P. T. T. would be limited to the scrutiny of annual accounts. Except when the State should decree that social needs warranted operating the service at a loss, rates would be fixed so as to produce a reasonable surplus which in no case would be distributed to the employed personnel. Instead, the surplus would be utilized (1) for technical improvements and extensions and (2) as a reserve against future losses and unexpected needs. If borrowing were necessary, the P. T. T. might issue and sell bonds to the investing public on its own initiative and security.

As a result of the vigorous campaign conducted by the postal staff groups, a first step toward "industrializing" the P. T. T. was taken by Parliament in 1923 when it separated P. T. T. budget from the general State budget and authorized the former to borrow money on its own responsibility. While this was heralded as a staff victory, it by no means satisfied the aspirations of the syndicalist leaders, who subsequently pointed out that full P. T. T. autonomy was still far from being realized. As recent market conditions have not been favorable for "direct" borrowing of funds, the purchase and installation of new equipment is apparently still being financed out of general parliamentary appropriations. Nor is parliamentary opinion sympathetic toward further "industrializing" the P. T. T.

Although the initiative for the establishment of the post office advisory council (*conseil supérieur des P. T. T.*) concurrently with the *budget autonome* came ostensibly from the Government, the latter was undoubtedly influenced by syndicalist emphasis upon bringing the voice of both staff and public to bear upon the shaping of departmental policy. The rôle of this interesting council will be assessed in another connection, but it is pertinent here to remark that the final determination of policy is still lodged with high officialdom and the Treasury.⁷⁷

⁷⁷ Cf. Chap. XVI, section C.

Typical of a less grandiose but more immediate kind of interest in administrative improvement is the study by the telegraph and telephone staff groups of the possibilities of using psychotechnical procedures in selecting and training operating personnel.⁷⁸ Here, however, little impression has as yet been registered in official quarters.

All in all, it may be estimated that at least half of the agenda for annual congresses of P. T. T. employee groups is nowadays being devoted to questions relating to administrative efficiency.⁷⁹ An increasing proportion of the reports and discussions give evidence of serious, objective study of administrative problems by the participants.

On another plane, the teachers' associations have been almost equally zealous in pushing forward reforms in educational administration. To them should be accredited the development of the hierarchy of promotion boards and advisory councils which has done much to broaden out control over curricular policy and staff matters so as to permit the teaching corps to share in the process. The elementary teachers, too, have consistently stood for more thorough requirements for staff training, for the elimination of militaristic text books, and for the inculcation of the ideals of international conciliation into classroom instruction.⁸⁰ Above all do they rush to the defense of the non-sectarian principle in education whenever it is attacked.⁸¹ While there is less interest in pedagogical experimentation *per se*, the monthly *Bulletin* of the *Syndicat des Instituteurs* contains repeated references to its efforts to persuade the slow-moving Ministry to introduce motion picture films as a method of instruction in the schools,

⁷⁸ *Rapport du Congrès de la Fédération nationale des Travailleurs des P. T. T.* (1928).

⁷⁹ Laurent, *op. cit.*, pp. 255-272, claims that the recommendations made by the P. T. T. staff groups in 1910 had virtually all been adopted by 1920.

⁸⁰ One or two of the teachers' *syndicats* have gone so far as to write and publish history texts of their own—for "*les enfants du peuple*," as one advertisement expressed it in 1927.

⁸¹ This action, of course, often takes on the aspect of a *lutte politique*. Cf. Pérochon, *op. cit.*, pp. 76-78.

as well as to have the materials of instruction better adapted to the stage of intellectual development of each class of students. To the teachers' associations is also due the recent movement in France to lighten study schedules in the *lycées* with a view to allowing the development of group sports. At the university level some of the most trenchant criticism of educational policy to be found anywhere is contained in such professional periodicals as *La Revue Universitaire*.⁸² What is perhaps the most ambitious item in all this activity is the recent campaign of the *instituteurs* for *l'école unique*, involving, as was suggested in an earlier chapter, a drastic reorganization of the national school system in order to provide a gateway to greater democratization of educational opportunity.⁸³

Among other suggestive aspects of syndicalist efforts for administrative betterment, the penetrating exposés of fraud and evasion in tax collection made by the *Syndicat des Contributions directes* merit special notice.⁸⁴ Likewise, a long series of well-written articles in *La Tribune du Fonctionnaire* suggesting ways and means of modernizing the whole defective Treasury organization.⁸⁵ One might look far before finding more convincing critiques of departmental processes than these.

As concluding items in our limited sample of staff interest in improving governmental efficiency we may cite (1) the struggle of the *Syndicat national des Cantonniers* to end the present confusion in French highway administration and financing by a unification of local, regional, and national agencies, with a more equitable distribution of cost and a more economical system of road maintenance; and (2) the proposals of the *Syndicat des Inspecteurs du Travail* for reorganizing the services of industrial inspection which are

⁸² Published monthly by the *Librairie Armand Colin*, Paris.

⁸³ Cf. Chap. IV, section E.

⁸⁴ As reported in *La Tribune du Fonctionnaire*, 2 June, 1928.

⁸⁵ Cf. especially the issues of 12 July and 2 Aug., 1924, as well as the book by Soutou and Cordié previously cited.

said to constitute the key to energizing the entire system of French labor legislation.

Throughout the range of these activities, however, the investigator cannot fail to note a general indifference, if not a disguised hostility, towards the study and introduction of scientific methods involving time and motion studies, productivity bonuses, and similar devices for reducing waste and speeding up manipulative and clerical work.⁸⁶ On this score the syndicalist attitude is still dominated by the fear that "Taylorism" (as scientific management is popularly known in France) might have as a by-product the revival of favoritism and personal discrimination in assignment and promotion on the one hand, and a reduction in the number of jobs and lower basic salary scales on the other.⁸⁷ To a marked degree, of course, this apprehension rests upon a one-sided understanding of what modern scientific management really implies. But it will require a long and careful process of education before the mass of civil servants can be convinced that their fears are groundless. Given the peculiar historical and temperamental background of French administration, it will not be easy to develop in its supervisory staffs the impersonal professional point of view which has characterized the activities of a body like the Society of Civil Servants in England.

F. EMPLOYEE SYNDICALISM AS A SOCIO-POLITICAL FORCE

Despite the fact that the syndicalist movement in the public service has as yet made relatively few noteworthy contributions to administrative reform, there is no question that it has become a sociological force of the first importance. In a country where, as in France, vigorous civic discussion is part and

⁸⁶ Except, of course, in so far as the use of typewriters and telephones are concerned.

⁸⁷ It may seem paradoxical that the fonctionnaires should nevertheless advocate "rationalization" in industry, but this is explained by the fact that they look upon rationalization as affecting not so much personnel management as production and marketing.

parcel of the national behavior pattern, it is not surprising that the corporate self-consciousness of those who administer State policies should constitute a dynamic medium for the propagation of political and social ideas. As a voting bloc, the organized fonctionnaires act almost as a political party by and of themselves; when not quite so solidified, they form aggressive phalanxes in the make-up of the political parties of the Left. In the Chamber of Deputies, as has already been indicated, one always finds a small but assertive group of men elected as civil servants and continuing on the floor to defend their interests.⁸⁸ Moreover, it has become customary for parliamentary committees to consult staff groups whenever proposals pertaining to administrative policy are to be considered. The corridors of the *Palais Bourbon* and *Palais du Luxembourg* know no more assiduous lobbyists than the delegations appointed by the great civil service federations.

What is more, whenever employee ranks are able to maintain a solid front on a controversial question, their influence upon public opinion and the legislature becomes tremendous. It is not too much to claim that the organized civil servants were the decisive factor in defeating the campaign waged by the conservative press during the period of monetary disturbance to have the Government match monopoly "surrender" to the Sweden Match Trust. In similar manner, the vigorous stand of the employees of municipal public utilities has undoubtedly expedited the spread of municipal ownership in France.

By and large, an index to the political attitudes of employee groups is furnished by the degree to which they are "syndicalized." The stronger their professional organization, the more advanced are their economic and political views. On the other hand, a negative correlation seems to exist between the average "official" rank of the membership of syndicalist

⁸⁸ Now and then special groups organize openly for the defense of the interests of fonctionnaires. *La Tribune du Fonctionnaire*, 19 July, 1924, refers with high approval to one such group.

groups and their radicalness. Among the few exceptions to these two tendencies are university professors, who as a class have a more liberal outlook than their colleagues in the *lycées*.

The majority of government employees of intermediate and subordinate grade support the radical-socialist or socialist party—principally the latter. It is this, of course, that accounts for much of the vitriolic hostility displayed by the conservative press toward administrative syndicalism. Reference has already been made to Poincaré's public admission in 1924 that the defeat of the *Bloc national* that year was caused by the vehement support given by the fonctionnaires to the *Cartel des Gauches*.

As one follows the journalistic output of the principal staff groups, particularly *la Fédération nationale des Fonctionnaires*, he is constantly impressed by the range and literary quality of their discussion of public questions. For lucidity, incisive argumentation (even if often *ex parte*), and intellectual maturity, most of the French syndicalist periodical literature seems in the writer's opinion to be superior to analogous American or British civil service journals.⁸⁹ A recognition of this high quality is found in the frequency with which both the Paris and the provincial French press quote excerpts from syndicalist bulletins and brochures.

To convey to the reader something of the breadth of syndicalist interest in current problems apart from immediate professional concerns, a random selection of topics discussed in *La Tribune du Fonctionnaire* during the year 1928 is presented below:

Ways and means of establishing a workers' press
Tariff duties and the cost of living
H. G. Wells and democracy (review of a lecture)
The work of the National Economic Council
The rôle of trusts in America
A debate on "Rationalization"

⁸⁹ The admirable journal published quarterly by the British Institute of Public Administration is a conspicuous exception.

The problem of the State (an exposition of the syndicalist thesis regarding the pressure of economic interests on Parliament)

Judgment on the Russian experiment

French agriculture and protection

A program of international action: for the League of Nations

Money and the press: a critique of the effects of American industrial prosperity upon intellectual freedom

For intelligent consideration of economic and social issues, the articles and editorials represented by these titles might put to shame many a metropolitan newspaper.

Less can be said in commendation of the level on which syndicalist oratory (certain national congresses apart) is pitched. The spoken word tends all too often to degenerate into impassioned harangue unrestrained by fact or logic.⁹⁰ Of whatever stripe, French eloquence is of course celebrated for its emotional extravagances.

G. MENACE OR PROMISE?

"You in America will, I trust, never suffer the evils we have had to endure from administrative syndicalism. It is our worst defect!" This dramatic statement closed an interesting interview which the writer was privileged to have with a distinguished French publicist.⁹¹ According to this diagnosis, the *syndicats* developed because the subaltern employees began to recognize the shortcomings of their chiefs in handling promotions and dismissals. Convinced that judicial recourse to the Council of State operated too slowly, staff groups turned to the more immediately effective method of organized pressure, the general effect of which was to put promotions into a cast-iron mould, stimulate indifferent performance, and stifle initiative and experimentation.

Condemnation of the syndicalist movement on more general

⁹⁰ During the summer of 1927 many of the meetings held as a protest against the critical salary situation were marked by this type of violent behavior.

⁹¹ The Editor of *L'Economiste français*, 14 June, 1927.

grounds is common among thoughtful students of French public affairs, some of them by no means illiberal in their sympathies. The constitutional lawyers are the most outspoken. "The syndicalist formula is a peril, . . . the *syndicats* have gravely compromised the good name of French administration," wrote M. Berthélemy in 1923. Seven years later he went even further and branded syndicalism as "a first step toward Sovietism."⁹² "Its tendency," asserts another authority, "is to exceed the proper interests of the profession of *fonctionnaire* and contemplate the seizure of the public service itself, so that the latter will cease to be a *national* institution and become a *syndicalist* institution."⁹³ Although generally sympathetic toward the right of civil servants to organize under the terms of the associations law of 1901, M. Henri Chardon, distinguished government engineer and later Councillor of State, has severely indicted the idea of "trade-unionizing" the public services. "No thoughtful person," he wrote in *Les Travaux Publics*, "will admit that a minister should tolerate staff *syndicats*, even less that he should encourage them by attending their banquets and covering with flowers undertakings which might have such redoubtable consequences."⁹⁴ Said M. André Siegfried in the writer's presence: "The P. T. T. was first of all poisoned by politics, then, a second time, by syndicalism." Even M. Duguit, ardent partisan of the "functional" organization of State though he was, grew increasingly apprehensive after the war about the trend of administrative syndicalism.⁹⁵

⁹² In his "*Comment Reconstituer les Services publics*," in *Revue politique et parlementaire*, Feb. 1923, and later, his *Traité* (12th ed.), p. 69, note 1.

⁹³ Hauriou, *Précis de Droit administratif* (2d ed.), p. 598. Contrasted with this, however, is a much more favorable pre-war attitude to the effect that syndicalism is desirable in order "to neutralize the actions of politicians, stiffen the career principle, and bring about a needed transformation of administration in the direction of decentralization." (Quoted in Frenoy, *op. cit.*, p. 177.) Lefas' view implies a categorical condemnation of the syndicalist principle for the public service: "Syndicalism and the existence of State *fonctionnaire* are two conceptions diametrically opposed and rigorously irreconcilable." *Op. cit.*, p. 170. ⁹⁴ P. 84.

⁹⁵ A point of view frequently expressed in conversation with the writer.

To what extent are adverse judgments like these justified by the facts? Anyone who surveys the development of the movement with whatever objectivity he can command will be forced to recognize that staff syndicalism has liabilities as well as assets. This is not to say that, given the recent orientation of the movement, it is likely to lead to revolution or the creation of "a State within the State." Momentary excesses there may still be, but it is easy to exaggerate their significance. The evils in staff syndicalism lie in another direction: (1) in its proneness to hold personnel management within a rigid groove, to systematize assignment and promotion so as to allow almost no recognition of exceptional ability or performance; (2) in its tendency to behave as if dominated by an "equality complex" which, pushed to its logical extreme, would flatten out staff compensation on a "dead level"; and (3) in its readiness to protect mediocre performance against any effective sanction, above all, dismissal. In the mass of its adherents there crops out at the least provocation a consuming jealousy of the man at the top—of the high salaried official everywhere. The insolent tone with which too many of the leaders of the movement present their grievances reflects this envy of the *petits* toward the *gros*. Time and time again it is expressed in cartoons caricaturing high officials as bloated plutocrats living on sinecures.⁹⁶

The bureaucratic "public-be-hanged" temper portrayed in the preceding chapter is a result, partially, of the feeling of subordinate employees that the Government is exploiting them in favor of the "higher-ups." Neither the sessions of syndicalist committees nor the reports of their congresses suggest much consideration of the obligation owed by the *fonctionnaire* to the citizenry of the country in terms of day-to-day courtesy and accommodation. This point of view seems beyond the professional horizon of staff groups doing routine clerical or manipulative work.

⁹⁶ Cf. especially a cartoon in *La Tribune du Fonctionnaire*, 19 May, 1925.

Granting the existence of all these shortcomings and others of lesser importance, the impartial investigator of the *milieu* and processes of French public administration is forced to the conclusion that syndicalism contains within itself real potentialities as yet but little tapped by the Government. Whether the latter wishes it or not, the corporate organization of its staffs is by now so deeply planted that no end of vociferous condemnation or threat of legal suppression is likely to uproot it. After a half-century, the forms of the movement are firmly set in the cement of syndicalism. It would seem the part of statesmanship, therefore, for officialdom and conservative public opinion to stop ranting about the "menace" syndicalism presages and proceed to exploit the good that is latent within it. One doubts whether there is any other single element more promising for the renovation of "superannuated" bureaucracy than the reservoir of ideas and good will which corporate staff consciousness contains.

If the Government acted less in terms of how to outlaw the strike and more in terms of how to raise the morale of its army of employees, the strike would gradually but surely pass from the foreground to the background of syndicalist thinking. As the *sine qua non* of such a program, a more equitable compensation policy would have to be worked out in full coöperation with the responsible leaders of the major staff associations. Secondly, no move to reorganize any service or modify its personnel procedures ought to be undertaken without seeking their collaboration. While the psychology of how to extract the maximum collective wisdom from ad hoc "joint" committees has not yet been fully analyzed, we do know that small informal committees with all members on a parity usually give the most fruitful results. The advice of the men out at the circumference is often as valuable as proposals emanating from the center. Frequently, the former more easily than the latter see how economics and simplifications may be effected. If, for example, staff representation had been allowed on the Marin Commission for administrative reform set up in

1923, it is not improbable that its report might have escaped the typical fate of being "still born."⁹⁷

In the third place, the establishment of *continuous* channels for the joint consultation of management and staff in shaping internal departmental policy is urgently needed. In many departments the foundations for such consultation are already laid in the existing promotion boards, disciplinary councils, and advisory committees. But the functions of most of these agencies are too limited and their action too irregular and spasmodic. It is hardly enough to insert in official regulations the platonic provision that "the central offices of professional groups legally constituted may submit directly to the administrative head of the department reform proposals relative to the operation of the service or the moral and material amelioration of the situation of their members."⁹⁸ Nor is it sufficient to concede staff representation on departmental committees without providing that it shall be on a basis of deliberative equality, responsibility for all final decisions resting, of course, upon the directing officials. If the potentialities of this sort of coöperation were realized, the syndicalists might in time become reconciled to the conception of having their chiefs selected from an "élite" in terms of individual merit.⁹⁹ Progress in this direction is being made in such services as the Ministry of Public Works and the P. T. T., but in the Treasury bureaucratic inertia still blocks the way.¹⁰⁰

These are merely the rough outlines of what might be done with *syndicalism* in order to make it more useful and less dangerous. After all, its defects as well as its virtues are in

⁹⁷ Cf. *ibid.*, 6 Oct., 1928, for a devastating exposé of how this report was pigeon-holed.

⁹⁸ *Fascicule II A* (P. T. T., 1923), p. 62.

⁹⁹ Such was also the conviction of M. Henri Chardon when the writer discussed the matter with him.

¹⁰⁰ According to the secretary-general of the *Fédération des Fonctionnaires*, the rank and file are strongly attached to the idea of participating in advisory committees on departmental policy. Their goal is the establishment of a bi-partite (or tri-partite, with representatives of "the public" constituting the third group) committee in each administrative service.

large measure only the reflection of the institutions and temperament of the French nation. Quoting from M. Pierre Cot's masterful analysis of the elements of present-day administrative reform delivered before the Congress of the Radical Socialist party in 1928: "The question is to decide if we shall utilize these forces [of syndicalism and technology] to rebuild the State, or if we shall allow the divorce between professional competence and politics to grow wider—down to the day when, in face of the abandonment, disruption, and incompetence of democratic public authority, these forces will substitute themselves for the State. Let us take care: in contemporary history there are but two known modes of this substitution—Bolshevism and Fascism."¹⁰¹

¹⁰¹ This remarkable speech is reported *in toto* in *La Tribune du Fonctionnaire*, 3-10 Nov., 1928.

CHAPTER XVI

THE RENOVATION OF BUREAUCRACY

"The most democratic mass organization, if it has to solve modern social problems, cannot manage without a bureaucracy. . . . Modern democracy signifies not the abolition of bureaucracy, but its subordination to the members of the organization upon whose power of selection and control it would be dependent."

—KAUTSKY, *The Labor Revolution*, p. 156.

It was the thesis of the preceding chapter that the psychological *sine qua non* of administrative reform in France would seem to be an attempt, somehow or other, to establish between high officialdom and the staff associations a coöperative *modus vivendi*. In the face of the deeply rooted idealogical obstacles which beset the development of such coöperation, one is by no means certain that it is likely soon to be realized. Assuming, however, that enough administrative statesmanship can be mobilized to achieve such an objective, what then? With the emergence of a genuine spirit of intra-staff coöperation, what further lines of change appear to be feasible and desirable in the light of the limiting sociological pattern? To suggest tentatively the main directions that reform should take is the task of this concluding chapter.

To avoid misunderstanding, the present investigator desires at the outset to emphasize that the observations he is about to make are in the main drawn from French sources. The formulation of proposals for administrative reform has engaged the attention of French publicists for a generation. The suggestions that follow, therefore, are in no sense to be regarded as a bold prescription from a foreign diagnostician

whose knowledge of the disease to be treated is at best fragmentary and somewhat remote. The present writer frankly lacks the temerity to propose a "cure-all" of any kind. Of one thing only is he convinced: that the vices of French bureaucracy, whatever they be, will not be eradicated by the performance of a major surgical operation. All the hopeful signs of improvement point to the gradualness of reform, punctuated, in all probability, by frequent setbacks. Nevertheless, it may be helpful to present a skeleton synthesis of those constructive proposals which, in the writer's opinion, have the most significance for the formidable task of "renovating" the French public service.

Granted, as our point of departure, that the indispensability of securing syndicalist coöperation is recognized by the political leadership of the country, three main channels of administrative improvement suggest themselves: (1) the avenue leading to a less rigidly hierarchicalized and more imaginatively flexible personnel system, without losing the admirable elements in existing practices; (2) the path pointing toward a more stably directed and integrated administrative structure; and (3) the course, already begun, facilitating the maturation of a "functionalized" guidance and control over administrative policy.

A. PERSONNEL MANAGEMENT VITALIZED BY IMAGINATION

In the detailed analysis of successive phases of French personnel policy which have been undertaken throughout this book, certain critical observations have repeatedly recurred. Among these an unimaginative rigidity in handling staff selection, assignment, promotion, transfer, and sanctions against lazy or mediocre performance, and in devising incentives to loyal enthusiastic effort, stands out as perhaps the most besetting sin of the system. The problem of providing an equitable scale of compensation and better physical working conditions apart, it is this tendency to exalt hierarchy and con-

formance to regulations at all costs which supplies the key to the low morale pervading so much of the French civil service.

If, as was suggested in the preceding chapter, the government would courageously and deliberately set about to win the coöperation of the major staff associations (1) by admitting their representatives on a parity with management to departmental advisory committees and (2) by adopting a comprehensive personnel code (*statut*) without any mention of the contentious strike issue, there is reason to believe that the syndicalist leaders could be made to understand the need of sustaining the authority of bureau chiefs, and other supervisory officers, in dealing with lazy, indifferent and stupid staff employees. Once this were realized, the way would be laid for gradually getting rid of considerable numbers of the useless subordinate and middle-grade employees who now clutter up government offices. This could be effected by two different processes: (1) the pre-mature retirement of officials, with commuted pension rights, and (2) the outright dismissal of patently incompetent employees after a hearing before an appropriate departmental council non-disciplinary in character. In the existing situation department heads possess neither the necessary authority from the ministry nor the adequate confidence of their permanent staffs to apply such rigorous procedures. The lowering still further of the age limit for retirement in certain offices would help to free the service of men whose usefulness has long since past. "One of the great dangers to a public service," says Laski, "lies in the permanence that is its characteristic; for this tends to make at least the upper layer of officials a caste whose habits are, from the inevitable rigidity due to long experience, hardened against the intrusion of novelty."¹

¹ *A Grammar of Politics*, p. 404. M. Lefas told me how the headquarters offices of the indirect tax division of the French Treasury refused to install an adding machine ostensibly because it was reported the machine was not "perfect," but really because the division feared to discharge the employees that the machine would render unnecessary.

To break through the spirit of caste and privilege which a large-scale permanent bureaucracy generates, a scheme of promotion which will advance brilliant juniors to responsible posts while they are still young and of mobile mentality appears to be indispensable. Here we touch another insidious vice in French personnel policy. Promotion has come to be so closely regulated in terms of preventing favoritism that the application of seniority has been progressively extended upward until nowadays the majority of upper-grade posts are so filled. Accordingly, there exists little stimulant for the exceptionally endowed subordinate or intermediate official to use his talents. He knows he will be promoted along with the rest, not before. It is arguable that, as Lord Haldane is alleged to have observed at the close of his brilliant career as an administrator, promotion by seniority for all but the highest posts works best in the long run because it compensates in general staff morale for what is lost by the failure to advance a brilliant man out of turn. One wonders, however, whether Lord Haldane would have come to the same conclusion if he had spent his public career in a department where such a rule rigidly obtained. For salary advances without change in duties, the principle of periodicity has much to commend it, provided, as is too often the case in France, the increments are not utterly insignificant in amount. But the French practice of filling upper-grade posts by seniority has too often resulted in crowding out of the upper ranges youth in favor of middle-age, and middle-age in favor of old age, not necessarily in terms of physical decline, but in terms of the atrophying of thought and slackening of action.

"Promotion," exclaimed M. Colson, "is never rapid enough in our governmental service." He would agree with Sir Henry Taylor that "persons of pre-eminent abilities when they appear, should have scope for their abilities at almost any sacrifice of system and regularity. . . . The government or nation which should forego the services of highly gifted men, because the place and provision to be made for them would

not be according to rule, is to be less commended than that which should make hay by the almanck,—for no other thrift than that which should let the meat spoil to save the salt.”² If we take into account the high ratio of subaltern to supervisory grades which exists in most units of the French public service, along with the iron-clad rule that no step on the ladder may be skipped, it is easy to understand how the slow promotion and niggardly salary policy ordinarily acts more as a narcotic than a tonic. One is reminded of the legend of the man who, ardently desiring power, recklessly pursued it all his life. Near the end he realized his dream, but he had by then become so timid that he knew not how to use his power. Advancement comes too easily for the mediocre, while for the man with outstanding natural aptitudes for staff leadership and policy-planning it is frequently denied until too late. The difficulty, of course, is that seniority is easy to ascertain whereas merit is largely a matter of subjective appraisal.³ That is why the mass of employees are still reluctant to set much store by systematic rating devices; they have not yet been convinced that their use can be divorced from a traditional proneness to favor a charmed inner circle and discriminate against those outside it. Hence, the insistence upon seniority as the safest principle to cling to.⁴

Even if a more flexible scheme of promotion, buttressed by the strongest guarantees against intrigue and favoritism that human ingenuity can devise, proved feasible, it would be only a first step toward the tapping of employee initiative and the stimulation of greater per capita productivity. Other expedi-

² *The Statesman*, p. 63.

³ M. Berthélemy believes that while a certain amount of personal bias and “pull” would, as in private business, be inevitable, it would be more than compensated by the wholesome effect of rewarding outstanding merit by accelerated promotion.

⁴ Cf. Salatin, *op. cit.*, pp. 116-121, for the outlines of a promotion code intended to eliminate personal favoritism while permitting selection by merit for higher posts. To safeguard the employee's interest, this plan provided a double right of appeal, first to the promotion board, and secondly, not later than six months after the original appeal, to the Council of State.

ents may be suggested. One possibility, already tried out in certain services, lies in the use of the bonus principle when the work performed is quantitatively measurable. Here, of course, careful job analyses to show the relation of fatigue to output, are indispensable prerequisites to the desired stimulation. Otherwise, the result may be not only to depress morale, but to lower the aggregate output. The failure to make such analyses has at the outset weakened the case for productivity bonuses.

Nevertheless, it is obvious that, given the right setting, bonuses do have potentialities. For instance, a certain French postmaster, noting that his letter carriers were becoming careless in turning in receipts from the sale of stamps for letters on which the postage was deficient, decided to try an experiment. He announced that the postmen might retain a certain percentage of all such receipts. Immediately the receipts multiplied several times. But alas! as soon as the department in Paris heard about the scheme the resourceful postmaster was instructed to stop it at once because it violated regulations! ⁵

In the *Bureau de la Statistique générale*, however, bonuses have been successfully used for twenty years. Employees compiling certain kinds of statistical data from documents are paid a supplementary amount in proportion to their productivity per month above a fixed minimum. The quality of their work is insured by a careful examination of sample sheets. According to the Director, almost half of the total group doing this work receive bonuses. He estimates that without some such incentive their productivity would probably decline thirty per cent.

On the other hand, after a year's experience with bonuses in the revenue divisions of the Treasury, their use was abandoned. The method by which they were allocated aroused the resentment of the *syndicats*, and when that happens, there is

⁵ This incident came to my attention through a conversation with M. Henry Fayol, son of the efficiency engineer whose views on French public administration have frequently been quoted in these pages.

little point in continuing such an expedient. The *syndicats* claimed not only that certain groups were being favored against others, but that the whole scheme was intended to camouflage the grossly inadequate scale of basic salaries then prevalent.

While the evidence from these few isolated experiments is not conclusive one way or the other, at least two inferences may be drawn. The first is that without the whole-hearted confidence of the staff associations it is probably futile to apply the bonus principle at all. The second is that bonuses may be used with prospects of success only on rather compact, homogeneous groups of employees performing fairly simple manual or clerical operations. Within these limits, the principle of rewarding extra performance by supplementary pay seems to offer considerable promise. Any considerable application of it, to be sure, would entail a loosening up of fiscal accountability which is far less easy to secure in a government department than in a private business enterprise.⁶

Of greater import with a view to overcoming the stagnating effects of inertia and routineerism would be a deliberate effort to provide frequent "changes of air" and a differentiated administrative experience for staff officers. In this regard, French personnel regulations already permit, on paper at least, a considerable degree of interchange between central and field establishments. But in practice, except in the Ministries of Foreign Affairs, Justice, and Public Works, headquarters staffs are still too tightly separated in outlook and experience from concrete situations involving the application of their elaborately drawn regulations to tax-payers in "flesh and blood." Nearly every French critic who has given attention to this problem admits the urgent need of a more active interchange of ideas between local and central administration.⁷ The organization of many *syndicats* into "central" and "field" units

⁶ As a precedent for the fiscal recognition of the bonus principle may be cited the credit of 30,000,000 francs allocated for its operation in the budget of the Ministry of Finance for 1926.

⁷ Cf. especially Brunschvicg, *op. cit.*, p. 23.

has helped to accentuate this isolationism. Hard as it might be to break through such a situation, there can be little doubt of the wholesome effects of a rule requiring every officer of executive or administrative grade to serve a minimum period of years outside Paris. In fact, the present writer would join with M. Thiers in suggesting that all the middle and upper staffs, with rare exceptions, be recruited from the *services extérieurs*.⁸ An intelligent application of these two principles would breathe the fresh air of reality into the "inbred" central bureaus of the Treasury and Ministry of Public Instruction. A stream of suggestion would flow in from the field establishments with what invigorating effects upon tax-collection procedures and educational curricula one hesitates to predict!⁹ Incoming Ministers with promising reform programs would not find themselves quite so helplessly enmeshed in a tight bureaucratic net of headquarters officials without any real appreciation of the need of internal departmental reform or of how it should be adapted to varying conditions over the country. For that matter, as Sir Josiah Stamp once wisely remarked, the department itself should be prepared with soundly conceived plans for reform so that outside "rubbish" may not find lodgment in the minister's mind, which at the outset is all too often more nearly a vacuum than a reservoir of ideas on administrative processes.

But the fluid transfer of permanent officials within the orbit of the national and colonial administrative system is not in itself enough. In order to keep keen-minded juniors from becoming "victims" of the system and to give them some real-

⁸ Cf. Thiers, *Les Problèmes nouveaux*, pp. 147-152.

⁹ In the Ministry of Public Instruction the excessive control now exercised by the central bureaus over detailed curricular matters results in orders being drawn up by men who are completely out of touch with the realities of teaching. A *lycée* principal reported to Paris his findings that the return from four hours a week of English classes was far greater than from three hours, while the difference between four and five hours was insignificant. The *chefs de bureau* replied that it was all *très intéressant*, but the suggestion was laid to rest in a green carton and never heard from thereafter. The dance of *décrets* went on as before.

istic sense of the significant developments in their fields in other countries, a policy of annually sending a certain number on "roving commissions" abroad would more than justify the expenditure involved. From conversing at length with young French civil servants who have won privately financed fellowships to America and elsewhere, one senses what a totally new outlook upon governmental processes has been opened up for them as result of their contact with foreign governmental and industrial settings.¹⁰ Nothing the French government might do would in the long run have a more energizing effect upon administrative behavior than the establishment of periodic "fellowships," or whatever they be called, for promising members of its Treasury staffs, its P. T. T. services, its public health agencies, its labor inspectorate, its research and informational bureaus. To initiate such a program would require both daring and skill on the part of a coalition cabinet obliged to walk a tight rope across the surging waters of parliamentary politics; but there are certain clogged situations which can never be broken up without the incurrence of political risk.

So far as the granting of leaves of absence to staff employees with partial or full pay is concerned, the admirable practice of permitting government engineers and other technical officers to go on detached service, which already exists, might well serve as a precedent. So, also, might this practice be invoked as a point of departure for drawing "fresh blood" into special

¹⁰ "My own experience in the University suggests that if you could set him to work upon a really stiff piece of intellectual creation, collecting facts and thinking constructively about them, you can try him out in that way, as we try out a thesis writer before giving him a higher degree. I remember that when Sir Herbert Samuel was Postmaster-General he and I tried an experiment by getting a University-provided scholarship for a young second-division clerk so that he could go abroad and prepare a report on differential postal rates; and I remember asking Sir George Murray, at the Macdonnell Commission, whether it might not be possible to 'second' a promising second-division clerk for a special inquiry of that kind, instead of merely shifting him at once from routine work to administrative work. I remember Sir George Murray, with all the eighteenth and nineteenth centuries behind his voice, saying, 'I think it would be much better that he should do his work.'" Graham Wallas, "Government," in *Public Administration*, March, 1928.

administrative posts from the domain of industry, commerce, and the liberal professions. The growing penetration of French educationalists into general administrative service, in an executive as well as an advisory capacity, has already been noted with approval. To compensate in part for the increasing "leakage" from the civil service to industry and finance, the government might well consider reversing the process by facilitating the temporary assignment or, in some cases, even the permanent appointment, of high grade industrial and professional men to key posts in those ministries having to do especially with economic and social policy.¹¹ The official bureaucracy is now almost exclusively a "closed" preserve as regards this kind of personnel. The few non-career appointees who still enter it have political or educational backgrounds. They do not represent the sort of coming to actual grips with complicated economic and technical problems which many progressive business men have experienced before they are forty.

"An office where members spend their lives together inevitably develops a powerful *esprit de corps*. This is a very natural and healthy thing. But it means that the tradition of the office will be extremely strong. Newcomers, arriving two or three at a time, will be dominated by it, and the man who ventures to defy it must be very independent and very courageous."¹² If, however, the injection into government offices of men with diversified experience were managed with careful regard to the kind of innovation needed and the extent to which the business and *fonctionnaire* types could, in a given situation, be operationally blended, the tonic effects might be far reaching.¹³ Certainly, as Sir William Beveridge has writ-

¹¹ In some instances this would doubtless require the payment of special honoraria, in addition to the regular salaries. Ardent syndicalist that he is, M. Maxime Leroy made the admission in a conversation with the writer that some at least of the directing officials of the State bureaucracy should be drawn from the outside.

¹² R. Muir, *op. cit.*, p. 57.

¹³ "It is only a quarter of an hour's walk from the spacious edifice of the Credit Lyonnais [a leading French bank] to the obscure, tomblike labyrinth of offices that constitute the Ministry of Finance or the Navy: a quarter of an hour! And yet the distance *d'un monde*, a delay of

ten, "the success of the [British] Ministry of Food [during the war] depended to no small extent upon Lord Rhondda's artful wisdom of combining civil servants and men of varied business experience with a sprinkling of professors, journalists, barristers, judges, and poets, and using each in due proportions in their appropriate spheres and in their right relations. . . . For these tasks civil servants had some admitted qualities—of accuracy and attention to detail—and were found to have others—of inventiveness and imagination—which normally lie hidden behind the mask of ministerial responsibility." ¹⁴ What happens depends in part upon the personality traits of the newcomers in relation to their technical qualifications and experience; in part, also, upon the degree to which the internal departmental set-up allows for the informal interplay of suggestion and experiment. In the case of Lord Rhondda's ministry, each type developed many of the behavior traits of the others: civil servants revealed unwonted courage and initiative; business men displayed unaccustomed tact and adherence to the double principle of uniformity and consistency.¹⁵

However initially well trained the corps of officials in a large-scale bureaucratic organization may be, however skillfully able men with varied experience in the world of affairs may from point to point be infused into the hierarchy, there still remains the broader and more fundamental problem of how to tap the inventive qualities of those employees who possess them. In a monopolistic enterprise like the business of political government, where the spur of private profit and the lure of high salaried posts are missing, it becomes necessary to rely mainly upon non-monetary incentives. Unless the

two centuries. Here one thinks, acts, calculates, corresponds, or telephones under the direct eye of the directors and the public, with all the mechanical simplifications brought in by modern progress; there one counts, writes, thinks as before the Revolution." Favareille, *op. cit.*, p. 50.

¹⁴ *British Food Control* (London, 1928), p. 68.

¹⁵ Cf. E. M. H. Lloyd, *Experiments in State Control at the War Office and the Ministry of Food* (London, 1925), pp. 389-398.

directors of departmental policy have insight enough to realize this fact, the "creative sense" will atrophy, and in its place the "self-protective sense" will develop to abnormal proportions.

Especially is this likely to occur in a highly centralized system such as exists in France. In it the delegation to subordinates of the authority to make decisions on their own is compressed to the minimum. M. Chardon insists that he has known able and competent French civil servants who have never had to make a single decision throughout their official careers.¹⁶ Most fonctionnaires, comments another of M. Chardon's compatriots, have lost the sense of making decisions; they gradually come to see no further than a formula, a dossier, a rule.¹⁷ The further they are stationed from the centre, the more their horizons are limited by a set of detailed regulations, upon which is superimposed a cumulative mass of miscellaneous orders from intermediate officers en route.

Now there would appear to be in a territorially centralized system of policy-control no inherent reason why, in the process of applying that policy concretely, a very considerable deconcentration of executive discretion could not be allowed. A good traveling inspectorate should serve as an adequate means of discovering and controlling flagrant abuses of the power conferred upon field staffs to act flexibly when faced with situations which deviate from the norm pre-viewed by *le règlement*. Not all human situations can ever be foreseen, no matter how minutely rules are drawn in advance. Obviously, of course, the amount of discretion must decrease in proportion as the hierarchy is descended, but in the French service the tradition that the *rédauteur*, or *commis*, or *percepteur*, must keep his own ideas completely in the background is so strong that he soon discovers that the best way to advance himself is "to adhere to established procedures with the most utterly scrupu-

¹⁶ *L'Administration de la France*, p. 9.

¹⁷ Cf. D'Hugues, *op. cit.*, p. 131.

lous accuracy. His ambition, in short, becomes a purely negative one; he desires above all things to avoid making a blunder."¹⁸ In his day-to-day official behavior he develops a fixation on correctness at all costs.

With a reasonable degree of executive decentralization junior officers on provincial assignments might soon begin to feel that they were playing significant parts in the process by which public policy is relayed to the daily lives of their fellow-citizens. Paradoxically enough, moreover, this might subtly help to humanize their workaday attitude toward the public; the relationship, that is, would seem to have a more personal character. What is more, the handling of quasi-routine affairs would be greatly expedited if the local office could ordinarily come to decisions on them without having first to send a report up the hierarchy to Paris and then wait days or even weeks for a reply.

With the possibilities of still further delegation of authority by *territorial* devolution we cannot here concern ourselves *in extenso*. French "regionalism" is itself alone a subject with ramifications enough to justify a separate monograph.¹⁹ A voluminous body of literature, largely speculative in character, has accumulated on the topic during the last thirty years.²⁰ It has long been a bone of contention among French constitutional lawyers, politicians, and journalists. Two principal schools of "regionalists" have developed: (1) that which would abolish the ninety territorial *départements* altogether

¹⁸ Stephen Demetriadi, *Inside a Government Office* (London, 1920), p. 24. Sir Josiah Stamp suggests that the exercise of greater discretion by officials doing routine operations would help to overcome this ultra-caution about crossing "t's" and dotting "i's." Cf. his illuminating article, "Bureaucracy," in *Public Administration*, Jan., 1929.

¹⁹ A forthcoming study of regionalism in France by Robert K. Gooch of the University of Virginia would make any extensive survey of the subject by the present writer superfluous.

²⁰ The most notable essays on the regionalist movement include the following: Charles Brun, *Le Régionalisme* (Paris, 1911), the standard work; Marc Guy, *La Décentralisation administrative: Hier, Aujourd'hui* (Paris, 1919); de Monicault, Bazire, Marcellot, et al., *Les Méthodes d'Application du Régionalisme* (Paris, 1923); and Jean Hennessy, *La Réorganisation administrative de la France* (Paris, 1919).

and (2) that which would superimpose "regions" upon the existing *départements*, thus introducing into the system an intermediate administrative area. After a generation, the proposals of neither of these schools have got much beyond the stage of public debate. Indeed, the convincing argument advanced against them has been, first, that "regionalism" would not necessarily result in greater decentralization, but possibly the contrary, and second, that it would probably mean, not economy of State personnel, but greater expense. How? By removing a good deal of nationally controlled administration one degree further from the local communities and creating a new series of fonctionnaires.²¹ Territorial regionalism as a formula, believes no less distinguished an authority than M. Berthélemy, has proved a seductive mirage. There is a strong national aversion to uprooting the "Napoleonic" *départements*, for after a century as distinct local entities they have in many instances developed pronounced cultural individualities of their own.

Nevertheless, the shrinkage of France in terms of ease of transportation and rapidity of communication is obviously rendering the *département* less and less suitable as a general area of administration. Many *départements* are too poor in resources to support local railway and electrical services out of their own funds. In others, urban "communes" with sprawling suburbs have so expanded territorially as to reduce the *département* to a position of inferiority not intended in the original Napoleonic system. Even the prefect has suffered a measurable loss of authority and prestige. With their petty courts and sub-prefects, the *arrondissements* have become outright anachronisms. Questions of tradition and sentiment aside, it cannot be denied that some kind of regional consolidation for purposes of local administration seems urgently desirable.

Discussions of regionalism, therefore, persist in the French

²¹ Cf. Berthélemy, "*Comment Reconstituer les Services publics*," *Revue pol. et parl.*, Feb., 1923.

mind. In recent years these discussions have spread to cultural quarters—to art and literature—as well as to social economics. An interesting revival of cultural regionalism on the old “provincial” lines may be detected in the works of contemporary French writers, painters, and sculptors. Also, the recent war marked the emergence of what M. Henri Hauser has called “economic regionalism,” consisting in the setting up of eighteen regional consultative committees, and later evolving into “chambers of commerce,” with a view to facilitating the coöperation of representatives of agricultural, commercial, industrial, and governmental agencies for a more effective economic mobilization of local resources in the war.²² More significant still from our point of view are the beginnings of a “functional” regionalism in the sphere of national administration. For purposes of judicial organization, the country, as we have seen, is divided into twenty-six jurisdictions and for educational administration, into eighteen “academies.” Similarly, for military administration, there are twenty-one territorial districts.

When the monetary crisis which came to a head in 1926 made retrenchment the government’s battle cry, regionalist proposals were urged anew on grounds of economy. As has already been indicated, the Poincaré decree-reforms promulgated that year were mildly regionalist in effect. For 86 old prefectorial councils 22 new inter-prefectorial (*i.e.* regional) councils were substituted; over a hundred sub-prefectures were abolished outright; a considerable number of courts of first instance were consolidated; and the powers of the prefect were slightly extended. Ententes, or unions, of two or more territorial *départements* for the joint handling of social services like educational establishments, public health agencies, and the like were legalized.²³ Earlier legislation had previously authorized the formation of “inter-communal syndicates”

²² Cf. his book, *Le Problème du Régionalisme* (Paris, 1925), in which this movement is suggestively treated.

²³ Decree of 5 Nov., 1926. The decrees effecting the other changes were cited in earlier chapters.

(unions of municipalities) for the administration of public utilities and police systems.²⁴

Probably the most suggestive of all the reforms enacted in 1926 was the attempt to "regionalize" the field establishment of the P. T. T. By abolishing the old *directeurs départementaux* and creating in their stead a much smaller number of regional directors, it was optimistically expected to realize an economy of 2,000,000 francs (in a total budget of 2,500,000,000 francs). The actual effect of the change, however, was to augment rather than reduce personnel because in each *département* it proved necessary to retain the staffs formerly attached to the director's office, in order to take care of official correspondence and make arrangements with the railways for receiving mail. No sooner had the reform been promulgated when a vociferous movement for its repeal got under way. It became obvious that many of the difficulties involved in carrying the reform into effect had neither been thought through nor taken into account in advance by Paris.

From this brief resumé, it is clear that while the importance of regionalism as a decentralizing principle is patent, it may merely mean a re-arrangement of administrative areas without necessarily devolving greater discretionary authority upon the field representatives of the central bureaucracy. In the France of to-day devolution by function rather than territorial decentralization appears to be the more practicable. Whether functional devolution in and of itself is likely to increase the latitude of action for subordinate field staffs depends entirely upon how it is applied. Speaking broadly, any step which would help in any degree to relieve congestion at the centre and transfer decisions to staff representatives *sur place* makes a *prima facie* case for itself.

²⁴ Cf. Maxime Leroy, *La Ville française* (Paris, 1928), pp. 163-187, for an enthusiastic account of the potentialities of municipal *ad hoc* unions as a means of electrifying the countryside, developing autobus transportation, building better roads, and improving rural hygiene. Unfortunately, few communes have actually formed unions of this character.

Regardless of whether the power to exercise greater discretion can effectively be devolved from ministerial headquarters, the French fonctionnaire, as suggested in an earlier chapter, is psychologically so constituted as to crave every form of recognition for individual intellectual work that can be devised. Here reference is made primarily to that large group of men who enter the public service above the horizontal bar separating responsible from routine work—to men who have completed at least the *lycée* training and often supplemented it with some university or higher technical school experience.

As senior clerks and deputy heads of bureaus in the central establishments, these men are the draftsmen of ministerial *arrêtés*, executive ordinances, and many legislative bills. It is to this group, also, that divisional directors turn for the preparation of important administrative reports, for the compilation of factual data on departmental activities, for the drawing up of reform projects. It is this group that serves as quasi-research secretaries for the countless special committees attached permanently to the ministry, or set up *ad hoc* from time to time. It is this group, finally, that affords the only active liaison between ministries and the Council of State in the latter's task of advising the former regarding the legality and feasibility of proposed decrees.

Yet in all this range of activity it is exceptional for any outstanding contribution from a junior officer to receive special recognition from the head of his department. The usual rule is that no one below the grade of deputy bureau chief may even sign letters, let alone reports. From the grade of *rédacteurs* downward, all employees are obliged to do their work, no matter how brilliant, under the cover of anonymity. Supervisory officials seldom go out of their way to encourage junior associates to study perplexing questions or think out solutions to them on their own initiative.

In a ministry, like that of Public Works, where this attitude fortunately does not prevail, the difference in staff morale is startling. There all young engineers are encouraged to de-

velop projects of their own and are allowed to sign all reports of which they are the authors. These projects, or reports, are submitted to the chief engineer, who is expected to transmit them, with his comments, to Paris (by way of an inspector-general), where the *Conseil supérieur des Ponts et Chaussées* considers the proposals. Frequently, the authors are called to Paris to explain and defend their "creations." Despite the fact that the majority of such proposals are too bizarre or costly for practical adoption, the chief personnel officer of the Ministry assured me that the procedure more than justified itself as a stimulus to the personal initiative of the developing technical official. Why? Because the young technician was actually getting a chance to apply his professional training and express his personality at the very outset of his career.²⁵ A sense of personal responsibility was being developed in him early. One ventures to suggest that other ministries might with profit follow this example.²⁶

Whether under a system of ministerial responsibility permanent officials could without complications be allowed to publish criticisms of departmental policy over their own signatures, is more debatable. That such a privilege might yield embarrassing predicaments for the minister, our review in Chapter X of specific instances of its application made it obvious. Nevertheless, if ministerial responsibility is not to

²⁵ The psychology of this is amusingly illustrated by Ford (*op. cit.*, p. 134): He tells of giving to a French letter-carrier a missive worth 10,000 francs in that if his Paris correspondent failed to get it in time to cable the contents to New York the next day, it would mean the loss of that sum to the sender. In the sheer ecstasy of holding in his hands "the life or death of 10,000 francs" the postman kept the letter on his person for three days. His daily rounds over fourteen miles of rolling road afforded him few *émotions fortes* like that!

²⁶ Contrast, for example, the stubborn refusal of the Ministry of Public Instruction to allow a certain brilliant *lycée* teacher to introduce experimentally into a few selected *lycées* a most suggestive method of teaching ideas by instruction in language which he had devised and already tried out with great success in a private school. In this case the motive behind the refusal was in part political: the instructor in question held views which were too conservative for the "radical" (in the anti-clerical sense) ministers at the head of the educational establishment during the last generation.

become a device for camouflaging what a department is doing when it is doing it badly, one is inclined to believe the risks are worth taking. Whatever the rule, a growing number of French civil servants do actually voice their misgivings about departmental policies in the public prints, some under a pseudonym, others over their own name and title. As a matter of fact, signs of an increasingly liberal policy on this point are appearing in several of the central government departments. Unless the proposed brochure or article is held to be "indecent" or "indiscreet," permission to publish is being granted with growing frequency.²⁷

Although theoretically the performance of special intellectual work is supposed, if related to administrative matters, to be weighted in favor of the employee's advancement in salary and rank, I was able to find little evidence that such was the practice. In fact, where official time is used on work that is to appear under the employee's own authorship, it would seem occasionally to act as a deterrent to promotion.²⁸ If the work is literary or scientific in character, and does not bear upon the duties of the author's own service, it is seldom taken into account at all. Notwithstanding, the urge to artistic and scholastic expression impels at least one out of twenty upper-grade fonctionnaires to produce a veritable stream of books and articles on a wide range of topics.²⁹

To re-iterate here what was suggested in an earlier chapter, the unfortunate thing is that this creative drive is not more centrally focused on the "art" of administration itself. The time and energies of the conscientious French staff official are too much absorbed during office hours with attention to imme-

²⁷ Though the interpretation of what constitutes indecency and indiscretion in this regard depends wholly upon the minister's caprice.

²⁸ This was inadvertently admitted by a deputy bureau chief in the central offices of the Treasury.

²⁹ One of the most striking examples of literary and scientific productivity on the part of a humble State employee came to light in 1928 when a subordinate in the telephone service won the coveted Prix Greger of the French Academy of Sciences. By studying and writing in his spare time, this man had turned out several significant books on profound subjects in science and philosophy.

diate detail to allow his inventive faculties much scope. "The current compulsory business he gets through as he may, some is undone, some is ill done."³⁰ This is nicely illustrated by the story of an eminent member of the *Institut français* who, desiring to undertake an inquiry concerning the operation of an important public service, was obligingly received by the director of this service. After attentively listening to the visiting savant's proposed investigation, the director replied in this tenor: "Ah! you wish to study *sur place* all those agencies? I compliment you; it ought to be most interesting. . . . Many a time I would have liked to do as much, but I've never got around to it; time fails me."³¹

Regardless of the skill with which personnel is managed in a large public service, mediocrity will, of course, always be plentiful enough. But the French have not yet extracted from the latent talents and dormant energies of the better half of their corps of civil servants all that might be. To be sure, to any substantial improvement in morale better adjusted scales of compensation and retirement, along with the installation of modern devices for sanitation and labor-saving, are prerequisite. Beyond that, however, personnel officers with constructive imagination and real acquaintance with modern psychological devices might well experiment with a great variety of expedients for reducing the parasitism, dilatoriness, lack of deference for the private citizen, obscurantism, and excessive *paperasserie* which now befores the public service, and inculcating in their stead alertness, zeal, expedition, human sympathy and a sense of professional responsibility in the handling of the public's business. Whether the existing "decentralized" system of personnel agencies acting largely in isolation from one another and without adequate technical staffing, is constitutionally as well suited to the development of imaginative insight as a more co-ordinated, extra-departmental

³⁰ Sir Henry Taylor, *op. cit.*, p. 113.

³¹ Henry Joly, "*L'Impuissance étatisiste*," *Revue hebdomadaire*, 9 June, 1917.

bureau or commission, the present writer hesitates to venture a judgment. The potentialities of the two systems have not yet been sufficiently tested for purposes of rigorous comparison.

It is doubtful, however, whether, until those responsible for developing and administering personnel codes collectively undertake detailed studies of (1) the depressives and (2) the stimulants of morale in their respective jurisdictions, improvement will be anything but sporadic. If a battery of industrial psychologists and efficiency engineers could be given free rein in each government department for, say, a year, the revelations they would produce might possibly awaken the triple forces of control—cabinet, parliament, and public—to the immense potentialities of civil service reform. Detailed case-histories of the educational background, technical training, course of promotion, compensation and assignment of a wide sample of individual employees might, if supplemented by careful psycho-analytic studies of selected bureaucratic types and statistical analyses of the ratio of the supply of jobs to the demand for employment since the war, of the leakage of personnel from government to industry, and the relation of government to business and professional salaries, disclose such a totally new picture of the problem as to dissipate the popular indifference to improving the administrative *mores* of the Third Republic.

To put it bluntly, the difficulties are not economic, but psychological. In 1928 France possessed as much material wealth as before the war. The lower income classes of her population were enjoying an appreciably higher standard of living than fifteen years earlier.³² Heavy industry has made greater progress toward "rationalization" since the Armistice in France than in any other large European nation except possibly Germany. Moreover, France owns great undeveloped physical resources not only at home, but in her vast colonial empire as well. At the time of writing these lines (November, 1930), she

³² Cf. E. Dulles, *The French Franc, 1914-1928* (New York, 1929), pp. 445-448.

alone of the Great Powers was withstanding the onslaught of a world-wide economic depression with relatively little internal dislocation.³³ Due to her terrific war losses, she is of course deficient in man-power (and probably brain-power as well) in the age range from thirty to fifty; and her population is stationary. But there are evidences of unusual vitality in the generation which has reached manhood since the war. For the rejuvenation of her State bureaucracy a proportionate share of the cream of this youthful energy and intellect must be re-attracted to what was once considered "the glory" of serving *la patrie* in peace as well as in war. The task of French statesmanship is to educate the French public to the view that the security, prosperity, and happiness of a nation in this technological twentieth century depends far more upon wise social planning and administration than upon fleeting diplomatic triumphs or a spectacular show of military prowess.

B. STABILITY AND INTEGRATION IN THE ADMINISTRATION OF POLICY

The prospects of securing a flexibility vitalized public personnel policy are for France conditioned by a further set of factors: (1) directional stability and (2) organizational integration. While each of these is in some measure distinct from the other, they may for convenience of treatment be grouped together, since they jointly have reference to the adaptation of the administrative machine to the needs of the present day.

Given the constitutional setting of the Third Republic, the first of these two objectives is at once the most urgent and the most difficult to realize. To students of French parliamentarism and the multiple bloc system which it has engendered, such an observation is commonplace. Without an effective power of dissolution on the one hand or the support of a solidly knit majority in the Chamber on the other, the average

* ³³ Though, like the America of "Coolidgean prosperity," France may yet be caught in the maelstrom of depression.

French cabinet enjoys the prospect of less than a year in office.³⁴ During its brief tenure of power, it is virtually the "prisoner" of Parliament two-thirds of the time. Even when it has the will to carry through a reform program, it hardly ever remains in office long enough to pass the first sign post.

In similar fashion are individual ministers blocked in the initiation of new departmental policies. On some issue totally unrelated to his own plans, the cabinet of which he is a member is thrust from office and in the shuffle of ministerial portfolios that follows he finds himself either merely a deputy (or senator) again, or, if lucky in the shuffle, the head of a different department. In 1916, for example, M. Painlevé, as Minister of Public Instruction, had an important project for bringing the curricular level of girls' *lycées* up to that of the boys'. The project was approved by a large majority in the Chamber, but at that moment the Briand cabinet fell on its "Oriental policy." The country waited for five years for the signature of another Minister of Public Instruction. Because of the rumor that the promulgation of the decree putting the reform into effect might give rise to an interpellation, the project was allowed to sleep in the archives of the Ministry.³⁵ From 1912 to 1922 only one Minister remained in office long enough to have any effect upon the operation of this department. From 1923 to 1928 a succession of eleven ministers passed in and out of its headship. This is merely one example among scores which might be cited.

Now in such a volatile state of affairs it is exceedingly difficult, if not impossible, to achieve any substantial degree of continuity in the direction of departmental affairs. Part of the value of the political head of a government department in a parliamentary system is, as Sir William Harcourt once remarked, "to tell the officials what the public will not stand." But the minister serves another important function: he should

³⁴ The average tenure of the sixty-two ministries in office from 1870 to 1924 was roughly ten months. The rate of cabinet turnover since 1924 has not appreciably altered this average.

³⁵ Brunschvicg, *op. cit.*, p. 16.

be the sustaining and motivating force for those high officials in the department who are competent through experience and ideas to evolve more efficient methods of departmental work. If, however, the minister does not have a chance to become orientated with his permanent officials, he cannot well fulfil either of these functions. He stays just long enough to make a series of ill-considered moves which the central staff has to correct as best it can after he departs. In this atmosphere reasoned long-term planning becomes well-nigh impossible.³⁶

Instability of political headship would be less injurious if there were in each executive department a permanent secretary empowered to run its internal affairs. As we have seen, only the Foreign Office and the P. T. T. enjoy the luxury of such an official. In the other departments no one stands in command. Instead, the several divisional directors occupy hierarchical parity, or virtually so. Thus to an absence of stability in direction is added a lack of unity. The fixing of responsibility for what happens or does not happen becomes a fiction. Unless he has served as head of the department before, the minister is in the hands of his technical advisers without knowing how to evaluate their advice. He has so little time to devote to administrative problems that one of two things results: either the traditional way of doing things continues as before, or a promising prospect of getting an improved procedure established is shattered through ministerial ignorance or arbitrariness.

Furthermore, it is still relatively easy for a politically-

³⁶ Instances have been reported of "short-lived" ministers who did not once put their feet inside important bureaus in their departments. Quoting Fayol again: "The composition of a new ministry appears in the *Journal Officiel* January 16th. The Under-Secretary of State, charged with the direction of the P. T. T., Monsieur A...., lawyer and deputy, is replaced by the Under-Secretary of State, Monsieur B...., lawyer and deputy. The 17th of January Monsieur B.... comes to his office on the Rue de Grenelle, there meeting Monsieur A.... The two men talk together several minutes and Monsieur A.... withdraws after emptying the drawers of his desk. No presentation of divisional officials takes place, no discussion of a program. Thus is effected the transmission of powers in one of the most important administrations of the country." *Incapacité industrielle de l'Etat*, p. 27.

mindful minister to wreck a *good* team of divisional directors by shifting key members of the team to posts in the field, or inducing a fellow minister to add some of them into the latter's staff, especially if personal friends seek places at the side of the newcomer. Our examination of the tenure of the heads of administrative divisions and bureaus in Chapter IX showed what a rapid turnover exists in the majority of departments.³⁷ This aggravates discontinuity.

The upshot is that one finds nowhere a single directing official, whether ministerial or "permanent," in whom are lodged the qualities necessary to the effective general management of departmental business, along with the authority to exercise them to the full. Those who possess the competence tend to grow discouraged by having their plans repeatedly upset, and settle down into the easiest routine habits. Neither a long-time program nor the effective toning up of current procedures materializes.

This organic difficulty in the relationship of minister and departmental direction has long been recognized by French publicists. M. Fayol and his associates branded it the chief cause of "the administrative incapacity" of the French State. To substitute for duality or triplicity of command a stable unity seemed to them the essence of reform. Other writers like Chardon, Berthélemy, Barnier, Alibert, and Thiers have in recent years made much of the *crise d'autorité* which is paralyzing the French public service. Among these critics there is general agreement that a permanent director-generalship should be established in each department of the government, and that this official should be made personally responsible for the efficiency of his department. They would give to him a rather broad delegation of authority over divisional and bureau chiefs, but would have the chief field inspectors report

³⁷ The personal secretary to the Directory of Secondary Education made the observation that during his six years in the office four different directors had come and gone. "How, under such conditions," he exclaimed, "could I get any of my own suggestions for improved procedures adopted?"

directly to the minister, as well as to them, in order that the political head might have some check upon the decisions of the director-general. Provided the appointment and removal of the latter officer were properly safeguarded by requiring the approval of the collective ministry, with the right of appeal to the Council of State in case of involuntary dismissal, some such arrangement as here outlined would have much to commend it.

To suggest a practicable remedy for ministerial instability is more baffling. Short of amending the Constitution so as to allow untrammelled dissolution of the Chamber by the cabinet whenever it suffers or is threatened with an adverse vote on an important matter of policy, it has been proposed by M. Berthélemy that the "non-political" ministries be entrusted to technical experts drawn from outside the membership of Parliament.³⁸ This, of course, would in effect reduce the number of cabinet ministers to five or six. The heads of departments dealing with foreign affairs, internal police, finance, defense, justice, and probably colonies would remain politically responsible to the legislature; but the other departments, including the P. T. T., commerce, labor, hygiene, agriculture, aviation, and public works would be directed by long-term technical officials chosen for their special competence to administer large-scale industrial and social enterprises. Some of these appointments might go to high-grade men in the lower ranks of the civil service; others would undoubtedly be made from the world of affairs.

If the powerful party groups in Parliament could be induced to accept a radical proposal like this, they would probably be in a mood to alter traditional constitutional practices just as readily. Thus we are again pushed back to the domain of political psychology. A sustained national crisis may sometime pave the way for an expansion of the rôle of the expert in the French parliamentary régime; but the immediate horizon contains few indications that it is in the offing. Besides,

³⁸ For a summary of his views, cf. *Le Temps*, 30 May, 1927.

there is ground for doubt whether the nature of responsible parliamentary government is compatible with a hybrid arrangement of this character. Although equally unlikely to occur very soon, a shift in constitutional *mores* which would exalt the authority of the cabinet as a whole in relation to Parliament offers greater hope.

Along with the need of greater stability and unity in the direction of ministerial affairs, it is equally essential that the glaring lack of inter-departmental coördination which was noted in Chapter II should disappear. Integration in administrative operations is not quite so dependent as stability of direction upon volatile parliamentary politics. The breaking down of an excessive departmental particularism could be initiated by executive action. The defects are multiple. They include (1) the absence of a *super*-departmental liaison which a prime minister without portfolio, but with an adequate co-ordinating secretariat, ought to provide; (2) the tendency of each department to guard jealously its own prerogatives and functions, oblivious to what related services are doing; and (3) the lack of a permanent *inter*-departmental bureau of administration to control the larger phases of personnel policy, budgeting, purchasing, and the like. The first two of these major lacunae have repeatedly been recognized by French advocates of administrative reform. The third has received as yet almost no attention.

Despite general agreement among party leaders that a strong cabinet secretariat would be an invaluable liaison and informational instrument for the prime minister and his colleagues, the existing secretariat has been forced to lead a tenuous existence since the days of the second post-war Poincaré ministry.³⁹ Still without statutory protection, this attenuated secretariat is exposed to all the vicissitudes of governmental economy. Under existing conditions it fails adequately to provide the kinds of information which the prime minister should have at his finger tips if he is to instill cohe-

³⁹ Cf. *supra*, p. 34.

siveness into administrative policy. If the prime minister had proper research and liaison assistance, and were relieved of the burden of administering a department, he might find time to indulge in some reflective thinking with a view to planning a program. Actually, encumbered as he ordinarily is with the Foreign Office, or the Treasury, or the Ministry of the Interior, this is impossible. He needs hours to think, but has only fleeting minutes; for he must talk to too many persons and spend too much time on matters pertaining to his own department.

Not only is no written record whatsoever kept of the deliberations of the council of ministers, but the members of the personal staff of the premier leave with him when he resigns. His "dossiers" and other papers, it appears, are either destroyed or removed, so as to leave no clues for the guidance of his successor. I have it upon the direct testimony of a member of the Poincaré cabinet of 1927 that "two weeks after a cabinet meeting one recalls with difficulty what was proposed by the different ministers or agreed upon by the body as a whole! . . . Yet," continued this cabinet member, "most ministers are either opposed or indifferent to a permanent secretariat or even to *procès-verbal* of cabinet meetings." ⁴⁰

An invaluable service which a competent cabinet secretariat might perform would be to seek constantly for evidence of overlapping, duplication, and friction not only in the dispatch of current business, but in the handling of the vast mass of statistical and inspectional work which falls to the lot of all governments of modern industrial communities, not least that of France. Certain members of the secretariat might well constitute a roving super-inspectorate, acting directly under the orders of the prime minister and reporting through him to the cabinet. By such a device the illogicality and wastefulness of the existing distribution of functions among several score of bureaus in fifteen or more ministerial departments ought

⁴⁰ Cf. also the testimony of Poincaré's secretary cited on p. 34 *supra*.

to become a matter of cumulative knowledge. Remedial action by the cabinet might then be hoped for.

Inter-departmental coöperation needs to be less sporadic and more continuous. It now depends (1) upon committees that are created *ad hoc*, live a brief life, and expire; (2) upon certain quasi-permanent commissions that exist on paper but seldom meet; (3) upon the occasional presence of representatives of different departments in the meetings of certain sections of the Council of State, as well as of committees of the National Economic Council; and (4) the informal contacts of staff officials up and down the line. Of the last there is much less in the French national service than, for example, among federal officials at Washington.⁴¹ So far as I could discover, no organized medium for periodic inter-departmental contact or conference, aside from the meetings of staff associations, exists for upper grade staffs in Paris either on the official or the social level; and for such a purpose the *syndicats*, organized mainly along departmental lines, hardly satisfy the requirements.

The need of a permanent *extra*-departmental staff agency, which would function quasi-independently under the prime minister, is somewhat less clear in a parliamentary than in a presidential system. In practice the British Treasury exercises general control over staff matters, including salary adjustments and working conditions, but excluding the technical procedures of recruitment handled by the Civil Service Commission. In France, however, the position of the Treasury in this regard is blurred. It certainly is not in as commanding a position as the British Exchequer, partly because its own internal set-up frequently shows stresses and strains resulting from poor coördination, and partly because there is no French Treasury official analogous to "the head of the civil service" in Britain. Add to this the absence of a centralized civil service commission and it is easy to understand why smooth inter-

⁴¹ There is nothing in Paris analogous to the "Federal Club" in Washington.

departmental coördination is the exception rather than the rule. Nor, as we have seen, does the French prime minister ordinarily possess enough general authority and freedom from parliamentary and other duties to iron out departmental jealousies and bickerings in their early stages.

All in all, therefore, there seems reason to believe that an experiment with an inter-departmental bureau of general administration might yield promising results. The admirable evolution of the Council of State from a mere "appendage," precariously constituted, into a vigorous, independent critic of the government in its relations with its own staff and private citizens suggests what might happen if such a staff agency were set up.

Still another way to increase coöperation between related offices and bureaus would be to consolidate closely related departments or services under a common head. In nearly all the reform projects which have come to light in France since the war this question has occupied a prominent place. Various plans for reducing the number of separate units of administration have been brought forward. In the elaborate report of the Marin *Commission des Réformes* which appeared in 1923, the outstanding proposal for administrative organization was captioned the "*suppression d'organs*": (1) by eliminating certain stages in the hierarchy of field establishments, *e.g.*, sub-prefectures, *recettes des finances*, etc.; (2) by absorbing certain services into other related services, *e.g.*, military and naval hospitals and penitentiaries being taken over by similar civil services; (3) by diminishing the number of subordinate units in existing services, *e.g.*, in the customs and primary educational services; and (4) by reducing the number of ministries.⁴² The last point, of course, was urged for economy as much as for better coördination. Specifically, the report here proposed that the majority of the services now scattered through the ministries of agriculture, commerce, labor, and public works be fused into a single ministry of national econ-

⁴² *Journal officiel (Annexe administratif)*, 10 Dec., 1923.

omy. It also urged that a new ministry of communications be established which would coördinate the existing services handling postal, telegraphic, telephonic, railway, highway, internal waterway, merchant marine, and aeronautical traffic. Under this far-reaching plan of consolidation the anomalous *sous-secretariats* (e.g. of technical education, aeronautics, P. T. T., etc.) would be abandoned as units of administration.

Other proposals made subsequently have fairly closely followed the main outlines of this plan, although different titles for the new "super-ministries" have appeared.⁴³ From time to time the union of the war and navy (and since 1928, air) departments into a single ministry of national defense has been advocated. Other critics have urged the fusion of the foreign and colonial offices, along with the *Office du commerce extérieur* now nominally attached to the Ministry of Commerce, into a single ministry of exterior relations. If a synthesis of major reform proposals along these lines were to be worked out and adopted, the central administrative structure would show substantially the following skeleton organizational set-up:

Prime Minister without portfolio	“	National Economic Council Cabinet Secretariat Alsace-Lorraine Service Council of State (admin. sections) Superior Council of National Defense
Ministry of Finance		
Ministry of Justice		
Ministry of the Interior		
Ministry of Exterior Relations		
Ministry of National Defense		
Ministry of Education		
Ministry of National Economy		
Ministry of Communications;		

⁴³ Cf. especially Brunshvieg, *op. cit.*, pp. 46-49, and Thiers, *op. cit.*, pp. 142-147. The latter's scheme contemplates ministries (1) of public works, (2) national production, (3) social economy, and (4) P. T. T.

⁴⁴ By bracketing these five services with the prime minister it is meant merely that they would be neither attached nor responsible to

possibly with a certain number of other quasi-independent bureaus or offices like the *Bureau de la Statistique générale* and the *Office du Tourisme*. Instead of containing thirteen to eighteen members, as has been the case since the Armistice, the cabinet would consist of only nine—the prime minister with eight departmental heads. If, as M. Chardon has long insisted, the Ministry of the Interior were abolished, the total would be but eight.⁴⁵ A good argument can be made that this latter ministry has now become an anachronism: first, because most of its non-political functions have been lost to the newer technical economic and social agencies of the central government; secondly, because modern rapid communication makes it possible for Paris to deal directly with regional and local representatives of these agencies; and thirdly, because the two remaining functions of police regulation and supervision of elections could be handled equally well, if not better, by the Ministry of Justice. More than any other, the Ministry of the Interior is still ensnarled in the net of personal and group politics.

From the point of view of efficiency and dispatch in transacting business, a cabinet of eight or nine men offers real advantages over one half again as large. With only eight or nine men owing political responsibility to Parliament, the overturn in departmental direction at the time of a cabinet resignation would be less disturbing than now. Whether inter-departmental liaison would be correspondingly improved, one is far less positive. The mere re-distribution of bureaus and services under fewer and presumably more logical controls might not change anything but the paper lay-out and spatial arrangements of the central administrative machine. On the other hand, the consequences in terms of closer integration might

any single department. Budgeted at present under the caption "Présidence du Conseil," the Alsace-Lorraine service represents an attempt by Paris to give special consideration to the most complicated of France's regional, or "home-rule," problems. In time, the *raison d'être* of such a service may of course disappear.

⁴⁵ Cf. Chardon, *Le Pouvoir administratif*, Chap. IV.

be far-reaching if consolidation were accompanied by an equally urgent renovation in office procedures.⁴⁶

In any event, one doubts whether, in view of deeply ingrained departmental traditions and vested interests, any thorough-going organizational consolidation in Paris may soon be anticipated. The experience at Washington under Harding, Coolidge, and Hoover (to 1930) relative to a similar but less aggravated problem is not conducive to optimism. For a cabinet to sponsor a comprehensive reform proposal whose first effect would obviously be to cut down by one-third the number of ministerial and parliamentary under-secretarial posts available for "hungry" deputies and senators, implies a degree of political courage which only a Mussolini or a war-time dictator ordinarily possesses. The fact that seven years (1923-1930) have passed without any cabinet move to press the major proposals of the Marin Report in the Chamber bears mute witness to this lack of courage.⁴⁷ French coalition cabinets have to live too much from hand to mouth.

C. CONTROL BY ADVISORY FUNCTIONALISM

"Democracy," says Sir William Beveridge, "if it knows its business, has no reason to fear bureaucracy."⁴⁸ Yet, if democracy is to make bureaucracy its servant instead of its master, it has ahead a most complicated task. Incessant criticism is

⁴⁶ An inkling of how much the personal influence of an administratively minded minister may count in tuning up office operations was brought home to the writer by an interview with M. Louis Marin, Minister of Pensions in the National Union Government of 1926-1928, who explained how, by simplifying the process of handling *dossiers* on pensions, he had increased by four times the number that could be expedited within a given period of time by the same personnel. By having representatives of the Treasury work side by side with pensions officials, several weeks were being saved in the process.

⁴⁷ The Poincaré decree reforms of 1926 were of course a nibble off the Marin proposals; but it took a first-class monetary crisis to get a temporary party truce so that these mild reforms could be pushed through by executive ordinance over the opposition of employee and local communal interests.

⁴⁸ *The Public Service in War and Peace*, p. 63.

indispensable if the administrative octopus by which the modern State functions is to be genuinely democratized. This criticism, moreover, must be grounded upon a full knowledge of the facts involved; also, it must be criticism relevant to the points at issue.

It is here that the traditional organization of democratic institutions is least adapted to the needs of our industrial age. The exercise of the "sovereign" power of the electorate through the ballot box gives at best but a very general index to the balance at a given moment between two or more sets of conflicting principles and clashing economic interests. In France national elections occur only once in four years, and the electoral system is not devised to permit passing effective judgment on national administrative processes. Amidst the multiplicity of parties and blocs and the emotional excitement produced by ideological and patriotic shibboleths, it is difficult to arrive at any intelligible notion of the meaning of an election.

In constitutional theory, the legislative organ—Parliament—is supposed to act as a popular safety-valve against the tyrannical, wasteful, or inept exercise of authority by the State bureaucracy. This control operates by means of several devices: (1) the power to grant or refuse appropriations; (2) the passage of mandatory rules called statutes; (3) questions, written and oral, put to the ministers by the legislators; (4) interpellation, involving a full-stage debate and vote of confidence in or censure of the policy of the Government of the day; and (5) parliamentary commissions of inquiry and investigation.

The first two of these methods of control function in terms of ultimates. The exercise of the power to cut off credits is negative; the exercise of the power to increase appropriations or re-direct their use, while positive in character, merely sets the fiscal limits within which a particular administrative service may act. What is more, credits are voted for relatively long periods in advance—ordinarily a year. They are authori-

zations to go ahead. In the intervening time a more immediate check on malpractices is needed.

By and large, the same observation may be made of non-fiscal legislation. So technical are most of the present-day problems facing the public service that about all the governing statute can do is to set forth the broad principles to which an administrative activity must conform, or indicate in skeleton fashion its organizational set-up. Furthermore, the composition of Parliament usually does not contain the technical knowledge requisite to the detailed formulation of wise administrative policy. Parliament is in the hands of its managing committee of the moment, and the latter is in the hands of a coterie of permanent officials themselves the products of the bureaucratic pattern and outlook. In the French parliamentary process this dependence of deputy and minister alike upon the expert is symbolized by the admission of high departmental officials to the floor of the Chamber (and Senate) as *commissaires du gouvernement*. In debate these "commissioners" act not merely as the ministers' stage prompters; with increasing frequency they are themselves called upon to explain to the legislature what *Monsieur le Ministre's* proposal really means. This fact was vividly brought home to the writer as he sat in the Chamber of Deputies one summer afternoon in 1927 and heard the Director of the State Manufacturing Establishments present in detail from the floor the cabinet's case for the proposed concession of the government match monopoly. The situation is equally disclosed during the discussion of military projects, when a troop of generals always appear as right-hand men for the Minister of War.

One does not have to listen long to parliamentary debates without realizing the technical incompetence of the public's elected representatives to penetrate the intricacies of contemporary economic and social legislation. In France there has been a fuller recognition of this fact than in the Anglo-Saxon democracies. That is why so great a delegation of rule-making power, nominally to the ministers, but actually, of course, to

the permanent officials, has been developed and sustained by the liberal jurisprudence of the Council of State.⁴⁹ Parliament's inability to understand the technical aspects of governmental activity is again realized when one scans the type of questions put to ministers from the floor. In an earlier chapter attention was called to the tendency of members to show concern only about the personal interests of individuals, constituents or fonctionnaires, as against any genuinely alive interest in administrative efficiency. Usually the deputy's chief motive is to embarrass the minister. If a cleverly phrased question will accomplish this end, well and good; if a more dramatic effect seems necessary for reasons of party (or personal) strategy, an interpellation may be invoked, although the substance of the query may sometimes be as trivial in the second instance as in the first.⁵⁰ Without disparaging the value of the question, or for that matter, the interpellation, as means of eliciting information or disclosing malpractices, neither the atmosphere surrounding their use nor the motivation behind them is conducive to more than a highly episodic control over the daily acts of the army of officials exercising the authority of the French State.

So far as Parliament is concerned, the least inefficacious device for bringing administrative behavior under public scrutiny is the investigating committee. Here I refer not only to *ad hoc* committees set up to conduct specific inquiries, but to the great standing committees which conduct hearings on all important legislative proposals, and especially the budget. It is an accepted practice in France to call departmental officers to testify at such hearings. What in America would be called "lobbying" by representatives of affected interests apparently carries no such stigma in France. So far as I could learn,

⁴⁹ Cf. *supra*, pp. 27-32.

⁵⁰ I discovered quite by accident that one employee in the secretariat of the Senate devotes his entire time to working over the phraseology of "written questions" submitted by senators. It would be impolitic, I was told, to print these questions in their original form because many are deliberately put as "leading questions" in order to convey the impression that conditions are worse than they actually are.

lobbying in the *Palais Bourbon* or *Palais du Luxembourg* has not been subjected to any kind of statutory regulation.

While such committee hearings do allow valuable informal contacts between legislative representatives of the anonymous public and official specialists on the one hand, and interested groups on the other, Parliament's own inadequate expertise thereby in part being compensated, this procedure, like debate on the floor of the houses, is conducted in an atmosphere of partisan excitement. Each side is maneuvering for advantage. More than that, whether the hearing is managed so as to permit a full and fair discussion of all sides of the question at issue depends always upon the whim of the committee, or more specifically, its chairman. There is no guarantee that all important interests will be heard, nor that disinterested scientific information will be adequately presented. All of these factors definitely limit the efficacy of parliamentary committees as instruments for bringing *informed* public opinion to bear upon the formulation of administrative policy.

In sum, for any sustained guidance of the executive, the processes of Parliament, even if taken in the aggregate, are admittedly deficient. Parliament, moreover, does not sit continuously. While in session, it tends to work from day to day without a well thought-out program, interested chiefly in words, slogans, grandiose oratory—all for personal or party advantage. In his illuminating essay on *La République des Camarades*, M. Robert de Jouvenel has poignantly put his finger on the subtle weakness in the deputy's position in relation to the minister:⁵¹

"After a deputy has passed his forenoon making *démarches* in a minister's office, he uses his afternoon to control the latter's acts.

"During half of the day he has asked favors, during the other half he asks guarantees. If he obtains many guarantees, he does not for that reason ask fewer favors; but when he obtains many favors, he is likely to be less exacting in seeking guarantees—it is but human.

"A parliamentarian who is granted a service by a minister is naturally inclined to consider this minister a political friend; yet if the

same parliamentary regards the minister as a political friend, he feels only more inclined to ask him for more services. Such is the double law upon which parliamentary control reposes."

Admitting that the control exercised by Parliament over administrative policy in its developmental stages, and even more in its subsequent application, is at best fragile and sporadic, what of the safeguards provided by the judiciary? No one who has examined the magistral way in which the French Council of State has evolved the principle of State liability for the acts of its agents can deny that the public is to-day better protected in France from injuries suffered at the hands of government officials than perhaps anywhere else. But by its very nature this protection must be primarily *ex post facto*: it is not preventive; it corrects wrongs already done. It is an indispensable part of the citizen's armor against abuses of official authority, yet it does not touch the "legal" sins of omission or commission committed by government bureaus. Besides, resort to judicial processes often involves exasperating delays. Nor can a court, even if the judges are as intelligent as most French *conseillers d'Etat* are regarding the problems of public administration, fulfil the rôle of a qualified participant observer of their impact upon the social and economic fabric of the community. The judiciary has an innately different mission in government.

The facts and tendencies cited in the foregoing paragraphs bring us to the crux of the matter, which is an increasing need of institutional arrangements to bring the official administrator and the interested public into an articulated coöperative relationship. We do not yet have a sufficient body of experience with advisory committees to be able to chart in detail the forms that this relationship should take if it is to be most effective. Nearly every national State in western Europe, however, is nowadays experimenting with advisory "functional" committees, boards, and councils as devices, to use Sir Arthur Salter's expressive phrase, "for breaking administrative measures on to the back of the public." Among these

States France already occupies an important position in terms of the variety of formal institutional set-ups devised.

In Chapter II we discussed at some length the development of a rampant "committeeism" in the French public service. Reference was made to the way in which *intra-* and *inter-*departmental committees had been created by the score, some *ad hoc*, to deal with special and temporary situations, others in a more general or permanent form. It was further suggested that, although few of the larger inter-departmental committees appeared to be serving as "continuous co-ordinating agencies" because of their excessive size or infrequent deliberations, some of the smaller *ad hoc* councils were coming to play a significant rôle in "enabling an articulate public to understand the reasons for administrative decisions affecting organized groups."

Of the hundreds of miscellaneous committees, commissions, boards, and councils listed in departmental yearbooks and elsewhere, the following seven constitute a representative sample of the reasonably active *ad hoc* types: ⁵²

- Superior Council of the P. T. T.
- Superior Council of Railways
- Superior Council of Public Instruction
- Superior Council of Agriculture
- Superior Council of Commerce and Industry
- Superior Council of Labor
- Superior Council of Public Hygiene

Some of the above have a statutory basis, others were set up by executive decree. Their membership varies in number from twenty-eight (P. T. T. council) to over a hundred (railways council). In every instance but one (Council of Public Instruction) the membership is drawn from both official and non-official sources. Ordinarily, the order establishing the council lays down the number and specifies the groups from which the official members must be chosen. In most instances, the choice

⁵² Charles W. Pipkin, *Social Politics and Modern Democracies* (New York, 1931), Vol. II, Chap. 3, for a good descriptive account of French advisory councils in the domain of social policy.

of the latter is devolved directly or indirectly upon the minister of the department concerned. Some are specified *ex officio*, as, for instance, the budget director of the Treasury in the Superior Council of the P. T. T., while others "represent" the managerial and technical staffs of the ministry to which the council is attached. To give the council a liaison with other governmental agencies than the ministerial department principally concerned, it is customary to include in the *official* panel one or more representatives of related services. If, as is usually the case, the council is given the power to advise the minister on matters of internal personnel policy, staff employees are invariably allowed to elect delegates to represent them in its meetings. For example, in the advisory council for the postal, telegraph, and telephone administration the *official* members include the following:

- The Minister (or his deputy) as presiding officer
- Six members designated by the Minister from the managerial and technical officials of the P. T. T.
- The Director of the Budget (from the Treasury)
- The Controller of Expenditures (from the Treasury)
- Six representatives of subordinate staff personnel elected by the latter

In this instance, the above fifteen official members constitute a bare majority of the total membership of twenty-eight. In certain councils, however, the non-official group is in the majority.

In the selection of non-official members a wide divergence of practice prevails. In general, an effort is made to represent (1) the important organized groups functionally interested in the policy-area in which the advisory body is to operate, (2) disinterested scientific or technical bodies, and in certain cases (3) members of Parliament or academies like the *Institut français*. The procedure usually followed in choosing the representatives of functional groups, e.g. chambers of commerce, manufacturers' associations, agricultural *syndicats*, the medical association, the press, labor unions, etc., is to ask the

"principal" national organizations in each functional area to submit a panel of names two or more times as great as the number of seats to which each group is entitled. From these panels the minister, after consultation with his permanent officials or cabinet colleagues, chooses the prescribed quota of council members. The designation of non-official scientific and technical experts is sometimes made similarly through their associations, but more often directly by the minister.

In addition to this *functional* representation, two other types of interests are frequently given a voice on these advisory bodies. In the agricultural council, for instance, *territorial* concerns are represented by delegates chosen from the *Offices régionaux agricoles*, while on the P. T. T. council one finds a representative (1) of a municipal council and (2) of a rural communal council. The association of mayors, moreover, has representation on the National Economic Council (to be discussed later).

The functions of most of the councils listed above are as yet limited to giving special guidance to the minister within a specified domain of administrative policy. Periodic meetings are ordinarily prescribed by the basic decree setting up each council.⁵³ This is an important consideration. It means that the activity of a council is not dependent wholly upon the whim of the minister. While he may not be obliged to follow its recommendations, the outside interests represented on the advisory council have frequent opportunities to discuss freely and informally with government officials not only proposed decrees and orders, but the detailed application of existing regulations.

Both the post office and railways councils meet in plenary session once a month.⁵⁴ The agenda for the meetings is fixed in advance by the secretary, usually a bureau chief desig-

⁵³ This is not true of the *Conseil supérieur du Commerce et de l'Industrie*, established by decree of 18 Oct., 1882.

⁵⁴ For information on the internal workings of the P. T. T. and railways councils the writer is indebted to the respective secretaries, who generously gave him of their time and attention.

nated to act in that capacity. Non-official members of the council have the right to suggest items for the agenda. Seldom, I was reliably informed, does the administration refuse to include these items. In fact, proposals submitted by the representatives of non-official groups sometimes absorb most of an agenda.

The plenary sessions of departmental advisory councils are not open to the general public. All available local testimony strongly upholds the practice of barring newspaper reporters. The only record made of the discussions consists (1) of a *procès-verbal* sent to the members and (2) a brief *communiqué* given to the press. It is argued that if the deliberations were reported verbatim, the discussions would at once lose the character of a frank, informal interchange of views and tend to "degenerate" to the level of parliamentary debates, where the insidious temptation to talk to the gallery and desert sober facts for flights of eloquence is ever present. The officers of a labor union, a chamber of commerce, a publishers' association, and similar interests have constituencies to consider fully as much as do elected legislators. If the opinions expressed by the former on technical questions were broadcast through the newspapers, there would be every chance for distortion of emphasis or falsification of substance. From all he could learn by talking with council secretaries, the writer is inclined to share the view that the value of the councils would be materially diminished were wide-open publicity given to their sessions.

We may illustrate this observation by describing the way in which the business of the *Conseil supérieur des P. T. T.* is handled. At its meetings the representatives of commercial, industrial, and agricultural interests, as well as of the press association, attend with great regularity and are said to evince a live interest in the proceedings. The agricultural delegates, for instance, may be desirous of having telephone service extended to rural districts; the representatives of the publishing field may be keenly alive to proposals to modify postal rates

for newspapers and magazines. On the other hand, when questions relative to working conditions or rates of staff pay arise, representatives of the P. T. T. employees participate extensively in the discussions. At the same time, each group has valuable suggestions to make regarding items outside the area of its most direct concern.

The secretary-general of the P. T. T. always attends the meeting, and, unless the minister is also present, acts as presiding officer. The discussions are centered around reports made to the council by investigating committees appointed from its own membership. These reports must be distributed to the members at least five days in advance of the meeting. In 1927 three of these special committees, besides a permanent commission to which interim matters were delegated, were in operation. On very technical matters, *e.g.* submarine cable extension, engineering experts may be called in for expert advice.

In the P. T. T. council's deliberations, formal votes are resorted to in order to reveal differences of opinion at successive stages of the debate. The representatives of the subaltern personnel tend to vote as a bloc, while the non-official delegations split as often as they remain united. Frequently the ministerial officials abstain from voting so as not to influence the result in favor of the *official* point of view. After the "give and take" of ideas has gone on freely for as long as may seem necessary (often two or three hours), a consensus of opinion can ordinarily be reached without recourse to a final balloting. This consensus, or in exceptionally controversial proposals, the divided vote, is transmitted to the minister in the form of a "recommendation."

Before deciding upon his own course of action, the minister is legally obligated to seek the advice of the P. T. T. council on the following matters:

- The organization, status, and remuneration of personnel
- Rates to be charged the public for the service
- Projects for technical improvements or extensions
- Budgetary proposals

In effect, this means that no new decree or *arrêté* can be issued without prior consultation with those organized interests in the community which will feel most directly the impact of its enforcement.

Regarding railway regulation, the rôle of the *Conseil supérieur des Chemins de Fer* serves an analogous objective. Created shortly after the war as a result of pressure from public and employees, this council was designed to advise the Ministry of Public Works on the adjustment of freight and passenger rates, the floating of bond issues, electrification projects, and related matters. It has four categories of membership: (1) directors and inspectors-general of the Ministry, (2) representatives of middle and lower-grade staff personnel, (3) representatives of railway management, and (4) representatives of industrial groups, chambers of commerce, and the association of commercial travelers. In providing a total membership of over 100, the creators of the railways council did not keep it within as manageable limits as the P. T. T. council. With an average attendance reaching sixty to seventy, the meetings tend too easily to deteriorate into a species of "parliament." A more formal order of business has therefore been necessary. On each question before the council, one speaker delegated by each group has the floor in turn. The conclusions reached by the report of a committee are voted first *en bloc*, after which amendments may be proposed—the reversal, curiously enough, of the procedure followed in most parliamentary bodies.

Although purely advisory on other matters, the recommendations of the railways council are mandatory in so far as changes in rates are concerned.⁵⁵ Generally speaking, however, the minister will in nine cases out of ten adopt the advice tendered by the council. He cannot legally disregard this advice until after a second consideration of the point at issue by the council has taken place.

It is rather generally agreed that each of these two advisory

⁵⁵ Art. 17, railways convention of 1921.

bodies, the railways council to a somewhat less degree, perhaps, than that of the P. T. T., has proved a valuable device not only for stimulating technical improvements in the operation of great national public utilities, but for a more equitable adjustment of charges to the consumer. Less can be said of a body like the *Conseil supérieur du Commerce et de l'Industrie*, which meets *only* upon call of the minister to advise him relative to customs legislation, commercial treaties, fisheries and merchant marine, colonization, and emigration. This council possesses two major defects: (1) its membership is too large and miscellaneous, running around seventy-five in number, and (2) the area of its reference is not sufficiently specific. Added to the fact that the council can function only when the minister wills it, these factors have largely nullified its usefulness as a means of bringing a specialized public opinion into direct contact with the development and control of administrative policy. By and large, the same shortcomings have to date minimized the value of the *Conseils supérieurs de l'Agriculture et du Travail*.

In no case have the far-reaching possibilities of *ad hoc* advisory bodies yet been fully realized. In the first place, the existing councils are still too young to have won general recognition as a vital part of the administrative process. A majority of the active councils containing representatives of organized economic and social interests are either war or post-war creations. Secondly, the temptation to bring in too many different groups has in all but a few instances resulted in unwieldy bodies. Next, the utilization of most of the councils depends too much upon the temperament of the minister of the day, especially where meetings can be convoked only upon his call. Finally, there is lacking in most cases any small permanent "executive" nucleus through which the interests represented in an advisory council can directly initiate inquiries or requests for ministerial action in between plenary sessions. The activity of an alert "permanent" sub-committee would help to insure a more continuous scrutiny over the *minutiae*

of administration than is otherwise likely to develop. The functionally interested portion of the general public needs a clearer and fuller picture of the multifarious operations of a given department or service as much as it yearns for greater courtesy from the latter's staff. Any thorough-going simplification of documentary reports, not to mention official forms, will probably depend upon the development of channels through which concerted, constant attacks upon "red tape" may be launched. From what quarter is an effective onslaught as hopeful as from those pressure groups whose corporate interests are daily touched by governmental administrative procedures and attitudes?

From this point of view, French experience with advisory functionalism suggests the advisability of having the organized consumer more adequately represented on departmental councils. It has been too easy for his interests to be subordinated to those of powerful producer groups typified by the *Comité des Forges*, or to the demands of organized labor centered in the C. G. T. To be sure, consumers as a class are less well organized than producers. But the former field is rapidly changing in this respect. Since well before the war, scarcely a year has passed in France which has not been marked by the appearance of some new consumers' association, including, to name only a few, *la Ligue des Contribuables* (taxpayers' league), the *Association des Abonnés au Téléphone* (association of telephone subscribers), *L'Alliance d'Hygiène sociale* (alliance for social hygiene), *la Ligue des Pères de Famille* (league of heads of families), *le Touring Club de France*, and particularly, *La Fédération nationale des Coopératives de Consommation* (national federation of consumers' coöperatives).⁵⁶

Occupying a position rather distinct both from industrial producers and from workers employed at fixed wages or salaries, the artists and *litterateurs* of the country have recently

⁵⁶ Cahen, *Les Fonctionnaires*, pp. 270-277, gives a good résumé of the pre-war expansion of consumers' organizations.

organized a *Confédération des Travailleurs intellectuels*.⁵⁷ The interests of this group also need special protection if it is not to be left defenseless against the pressure of labor on the one side and of capital on the other.⁵⁸ Neither the consumer nor the intelligentsia should be left unrepresented in the growing network of advisory bodies that is to form the buffer between paid officialdom and the tax-paying public.

It is significant that the most ambitious experiment with advisory functionalism yet undertaken in France has a representative base which embraces all the foregoing elements. The institution to which I here refer is the *Conseil national économique* set up by the Herriot Government in 1925 to provide a functional agency for the study of economic and social questions confronting the nation and the recommendation of projects to the legislative and executive authorities.⁵⁹ Demanded originally by French labor, this type of council, by now (1930) paralleled in almost every national state in western Europe, may be considered an outgrowth of a project elaborated by the C. G. T. in 1920 for a "national labor council" (representing workers, technicians, and consumers), whose function would have been to facilitate the "rationalization" of national production. The original project provoked the hostility of successive *Bloc National* governments, but it was revived in modified form by Herriot's "liberal" Minister of Labor, M. Justin Godart, in 1924. In collaboration with

⁵⁷ Cf. J. Germain, *La C. G. I.* (Paris, 1920).

⁵⁸ In 1928 the formation of a huge inter-federal organization with a clientele of 3,000,000 persons grouping (1) the C. G. I., (2) the *Union fédérale des Associations de Mutilés et Anciens Combattants*, (3) the *Fédération nationale des Syndicats de Fonctionnaires*, and (4) the *Fédération nationale des Co-opératives de Consommation* was announced. Cf. *La Tribune du Fonctionnaire*, 13 Oct., 1928.

⁵⁹ Decree of 16 January, 1925. There is a growing literature on the French National Economic Council. Cf. especially Y. Tedeschi, *Le Conseil national économique et l'Organisation de la Production en France* (Paris, 1927); C. Lantaud and A. Pandeux, *La Représentation professionnelle* (Paris, 1927); D. Moyitch, *Le Parlement économique* (Paris, 1927); C. Gide, "Le Conseil national économique," in *Revue d'Economie politique*, July-Aug., 1928. A short popular résumé of European councils, including the French, is E. P. Herring's "Legalized Lobbying in Europe," *Current History*, Feb., 1930. Cf. also Pipkin, *op. cit.*

Jouhaux and other labor leaders, this minister worked out a new scheme which he at first intended to incorporate in a legislative bill. Political circumstances rendering such a step impracticable, it was decided to inaugurate the new council by executive decree.

Without pretending to undertake a detailed analysis of the subsequent evolution of this general consultative body, it will be necessary to outline its composition and procedure in order to understand how it has impinged upon administration. The composition of the council, consisting of forty-seven titular and twice that number of deputy members, is divided into three principal categories, as follows:

A. Labor (Total—30)		B. Capital (Total—8)		
Management	{ Industry	3	Industrial and Commer-	
	{ Agriculture	3	cial	3
	{ Commerce	2	Fixed capital	2
	{ Transportation ..	1	Banks and Trust Com-	
	{ Co-operation ..	1	panies	3
	{ Public Utilities	1		
		C. Population and Consump-		
		tion (Total—9)		
Employees	{ Civil Servants.	2	Consumers' Co-opera-	
	{ Technicians ...	2	tives	3
	{ Laborers		Users of public utilities	2
	{ Industrial	5	Association of Mayors..	2
	{ Commercial ..	2	Association of Heads of	
	{ Agricultural ...	1	Families	2
	{ Transport	2		
Artisans		2		
Intellectual workers		3		

The strong labor bias is of course apparent. The Government asks the most "representative" organization in each category to designate delegates to the Council. The panel of names submitted by each organization is confirmed by the prime minister. If there are protests from rival groups, the Council itself negotiates a working agreement whereby each organization will be represented in rotation. Only by adopting

this plan was it possible to keep the size of the Council within manageable proportions.

In its own right, the full Council holds four regular sessions a year. Extra sessions may be convoked by the prime minister upon the initiative of the secretariat. *Ad interim* the Council acts through a "permanent commission" of fifteen, including its four vice presidents and secretary-general. The Council, with its secretariat (housed in the same building as the Ministry of Finance), is nominally attached to the Presidency of the Council of Ministers, but is budgeted with the Ministry of Labor. Sub-committees are created as needed to make studies of special problems with the advice and assistance of the secretariat.

The decree of 1925 did not confer upon the Council any executive authority. Its functions are limited to studies and recommendations. If adopted by a two-thirds vote, the latter are submitted to the prime minister, who must inform the Council within a month what action was taken on them or send them back for a second consideration. The cabinet, moreover, is legally bound to communicate to the Council all legislative proposals of an economic or social character. The former may also at any time ask the latter for a report on any subject, while the Council itself is free to undertake fact-finding investigations on its own initiative.

The plenary sessions of the Council have been important chiefly as a means of effecting a general conciliation of divergent points of view. Nearly all decisions represent a quasi-unanimous agreement arrived at around a table after full and free discussion. As in the case of the P. T. T. and railways councils, only an analytic résumé of the discussions reaches the public. The secretary-general, M. Cahen-Salvador, told the writer that the most striking thing about the Council's behavior to him was how "the general interest" usually prevailed over special group concerns in its deliberations. The representatives of labor come to realize, he remarked, that there is something to be said for viewpoint of the industrialist;

the voice of the general consumer intervenes to hold in check the claims of the producer, and so on.

Whatever real thinking and planning the Council has done to date is to be found mainly in the arduous and conscientious activity of its special committees and permanent secretariat. By 1928 over a hundred solid reports on a wide range of economic and social problems had been turned out by these committees. They had made careful inquiries on housing, unemployment, the development of hydro-electric power, the organization of commercial aviation, the use of maritime ports, colonial agriculture, and related topics. A large-scale investigation into the "rationalization" of French national production was initiated in the latter year.

Pre-occupied with pressing political questions, both the Poincaré Government (which came into power in the summer of 1926) and Parliament at first politely ignored the existence of the National Economic Council. It worked along in silence on its first study of housing. Early in 1927, however, the cabinet suddenly decided to ask the Council for a report on the means of relieving unemployment. This request re-awakened parliamentary interest in the new agency. While Poincaré was defending at the tribune of the Chamber the Council's recommendations on unemployment as the work of "a distinguished body of economic experts," an interpellation impelled him for the first time publicly to praise the Council as an important instrument with which to combat the technical incompetence of democracy.⁶⁰

This incident gave the Council a flood of favorable publicity. Subsequent requests from the Government that the Council undertake inquiries on port development and how to increase agricultural production kept the latter more or less continuously in the public eye. Parliament, however, still remained suspicious. From the beginning it has feared the possibility that the new Council might essay the rôle of a "professional" legislature co-ordinate in power, perhaps, with

⁶⁰ Cf. *Le Temps*, 8 Feb., 1927.

Senate and Chamber. Impassioned parliamentary orators have repeatedly declared that such a situation would be intolerable. But the Council has wisely refrained from seeking to act except in a modest consultative capacity. Its wisdom in this respect has tended to mitigate the early hostility of Parliament, so that by 1929 one heard comparatively little criticism of the Council in the halls of the Palais Bourbon. Should the plan proposed in 1927 to give the Council a *statutory* basis be adopted, some of the earlier suspicions would doubtless be revived.⁶¹

In contrast with the critical attitude of Parliament and numerous party politicians, the administrative departments have evinced a growing desire to coöperate with the *Conseil national économique*. The initial decree of 1925, as further elaborated by ministerial order, envisaged three ways of bringing government officials and Council into direct contact: (1) by including two civil servants within its formal membership; (2) by permitting *commissaires du Gouvernement* to participate in the debates of the Council (without the power to vote); and more important still (3) by authorizing the Council's permanent commission to draw up a list of experts, official as well as non-official, to be associated with the work of the Council. Moreover, it was not long until various ministries began turning to the Council for advice in formulating economic and social projects. It is natural that the Ministries of Agriculture and Public Works should have taken the lead in this regard. But since 1927 every one of the executive departments has made it a regular practice to send two high officials (*directeurs* or *chefs de service*) to sit with the Council. Before then, in preparing decrees, the ministries were accustomed to consult at random industrialists, labor leaders, intellectuals,

⁶¹ Art. 134 of the law of 3 April, 1926, provisionally sanctioned the existence of the Council, with the understanding that a supplementary act would be required to give it a definitive status. Down to 1930 Parliament had taken no action on the *projet de loi* introduced by the Poincaré Government to this end in November, 1927. Incidentally, this *projet* would enlarge the membership of the Council to 150 and reduce its regular plenary sessions to twice a year.

and the like. Now they have an institutional mobilization of these leaders at their very door.

Thoughtful students of French experience to date with a general "functional" advisory body are coming more and more to feel that it may develop into an invaluable instrument of technical guidance and control over administrative policy. Whether a *general* council will prove superior to smaller *ad hoc* committees is an interesting, but after all not a very pertinent question, for in any event, a general body must inevitably rely upon special committees for its chief thinking and planning. Theoretically, agriculture and commerce ought to have a greater voice in the make-up of the present economic council, but not at the price of materially expanding its membership. Numbers *per se* mean little in the domain of "functional" representation; moreover, the problem of finding a practicable basis of apportioning "functional" delegates is exceedingly baffling. Experience alone can give an answer to this knotty question.

If it escapes being wrecked on the shoals of parliamentary politics, the French National Economic Council seems quite likely to mature into a regular collaborator with the Council of State in the preparation of all administrative ordinances of economic or social import.⁶² The latter body will supply the juridical element; the former, the technical opinion of the socio-economic forces of the nation. If, in addition to this, the practice can be established whereby all bills with economic or social implications will as a matter of course be submitted to the economic council for review prior to a vote by either house of Parliament, it will be possible for the organized interests of the country to make their voice heard in the law-making process at the formulative, as well as later at the "applicative" stage. Beyond this, the Council might profitably be given a limited initiative of its own in proposing legislation or ordinances after the failure of the Government of the day to do so. The mighty power of publicity could then be drawn

⁶² So predicts M. Cahen-Salvador, the Council's secretary-general.

upon to force timid ministries to heed the experts' recommendations.⁶³

In conclusion, it need hardly be reiterated that the implications of advisory functionalism are as yet only one-tenth understood in France or elsewhere. So far, the French have been concerned chiefly with institutionalizing the *national*, or *central*, impact of social, economic, professional, and technological forces upon governmental policy. It is equally urgent to facilitate their scrutiny of the *local* application of national rules. The need of developing a battery of strong advisory committees which would sit *en province*, in rural regions and urban centers alike, to keep the fonctionnaire on the right administrative track, seems clear. If such a development took place, it might be possible to mitigate some of the evils of a rigid centralization of function. For the local officials would "find themselves, in their struggles with the central executive, backed by a body of support" which ministers would "find it difficult to neglect."⁶⁴

Simultaneously with creation of local advisory institutions, three-fourths of the existing chaos of central committees might well be scrapped. They serve no purpose except as a sop to the personal vanity of those who like to belong to an array of official bodies in order that their visiting cards will look impressive. In place of scores of inanimate committees with a paper existence only, common sense dictates the concentration of available technical talent, both official and non-official, on advisory bodies in policy-areas where they will really be significant. In this connection, one thinks at once of the Foreign Office, where an active council of intelligent lay leaders might serve as an admirable counterpoise to professional bureaucratism in the realm of foreign policy. The Treasury, too, is a stronghold of obsolescent processes which cry to be ventilated by the winds of a properly focused contemporary techni-

⁶³ Cf. the proposals of an article entitled "*Un Conseil national technique*," in *L'Europe nouvelle*, 17 Dec., 1927.

⁶⁴ Laski, *A Grammar of Politics*, p. 385.

cal opinion. At this juncture the citation of other examples would be superfluous.

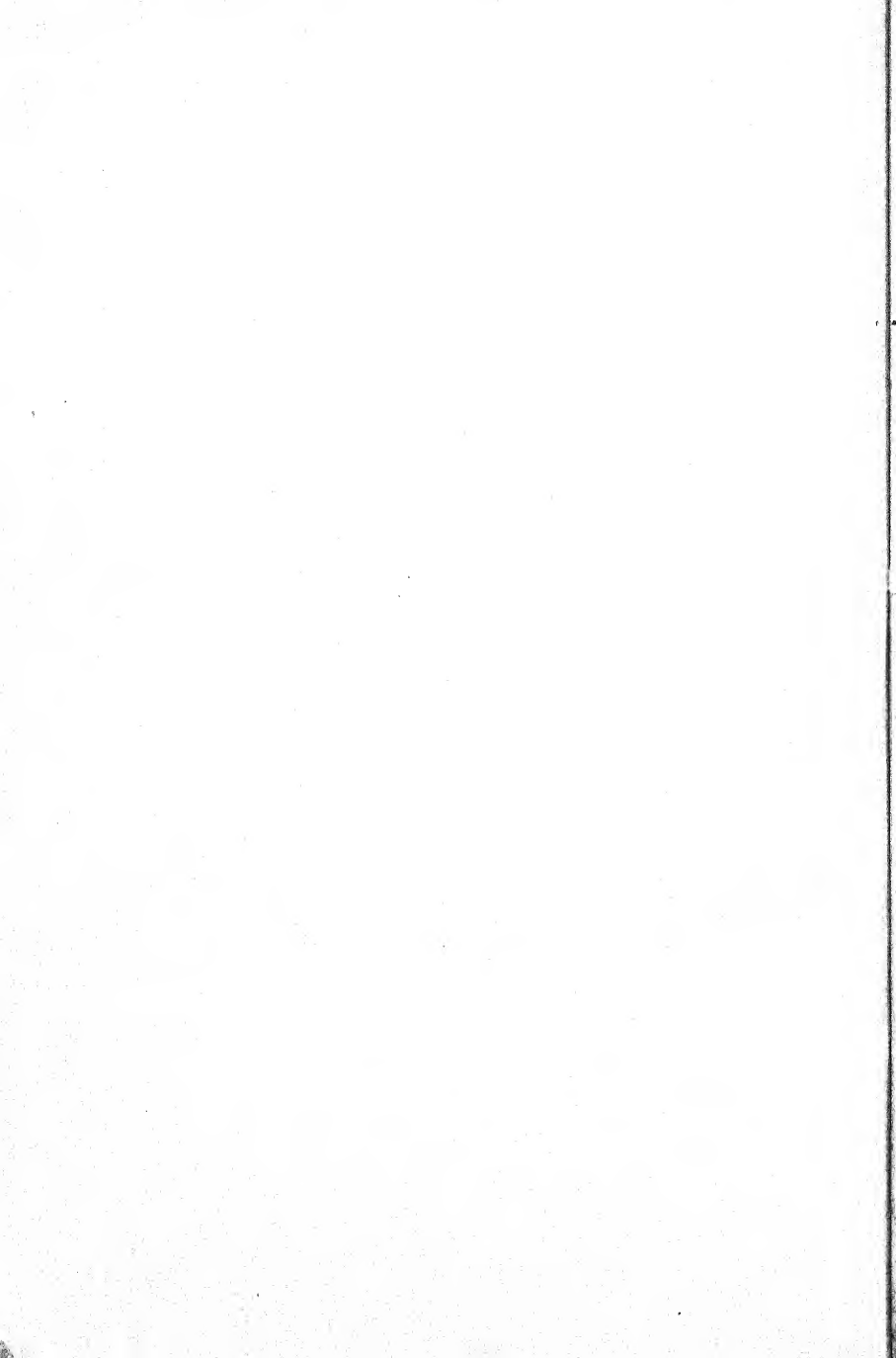
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In these days Frenchmen are prone to talk eloquently about "rationalizing" their industrial organization. Indeed, during the past decade they have made admirable strides toward the injection of modern science and technology into their economic processes. If they would only tap this reservoir of energy and resourcefulness for an administrative "rationalization," the behavior of their official bureaucracy might show equally significant changes. The pattern of French political democracy needs to be re-cut so as to give full play to technical competence in the development of a planned national life. For this task the French people lack neither human intelligence nor material resources. The question rather is whether they can break through the cramping confines of a stubborn institutional traditionalism.

Our study has revealed portents that this may already be on the way, albeit gradually, fitfully. It would be foolish to anticipate sweeping reform. *Plus ça change, plus c'est la même chose*, runs a celebrated French proverb. Short of the sudden emergence of "a common purpose in peace as vivid and compelling" as the motives which inspired France during the war, the transition from sleepy Napoleonic bureaucracy to a well-knit congeries of public services managed according to twentieth century technical principles may be unduly prolonged. But unless Jacques Bonhomme learns somehow to control the insidious diseases of his *étatisme*, they may undermine his national position in the society of to-morrow.

APPENDIX A

AN ANNOUNCEMENT OF A CIVIL SERVICE EXAMINATION



POSTES ET TÉLÉGRAPHES

CONCOURS RÉGIONAL

POUR LE RECRUTEMENT

DE DAMES EMPLOYÉES DES POSTES, DES TÉLÉGRAPHES ET DES TÉLÉPHONES

Un concours régional pour le recrutement de dames employées aura lieu, les 28 et 29 juillet 1926, au chef-lieu de chaque département dépendant de la Direction régionale d'Orléans.

Le nombre maximum des admissions à prononcer est fixé à 50.

Peuvent seules prendre part au concours les candidates domiciliées dans la région, sans infirmités, ayant une taille de 1 m. 50 au minimum, âgées de 17 ans au moins et de 25 ans au plus à la date du concours.

Il sera fait une stricte application des dispositions ci-dessus, et aucune demande de dispense, quelle qu'elle soit, ne sera prise en considération.

Il est accordé divers points de bonification aux candidates pourvues de diplômes universitaires.

Les pupilles de la Nation et les orphelines de guerre mineures bénéficient de la majoration de points prévue par l'article 11 de la loi du 30 janvier 1923.

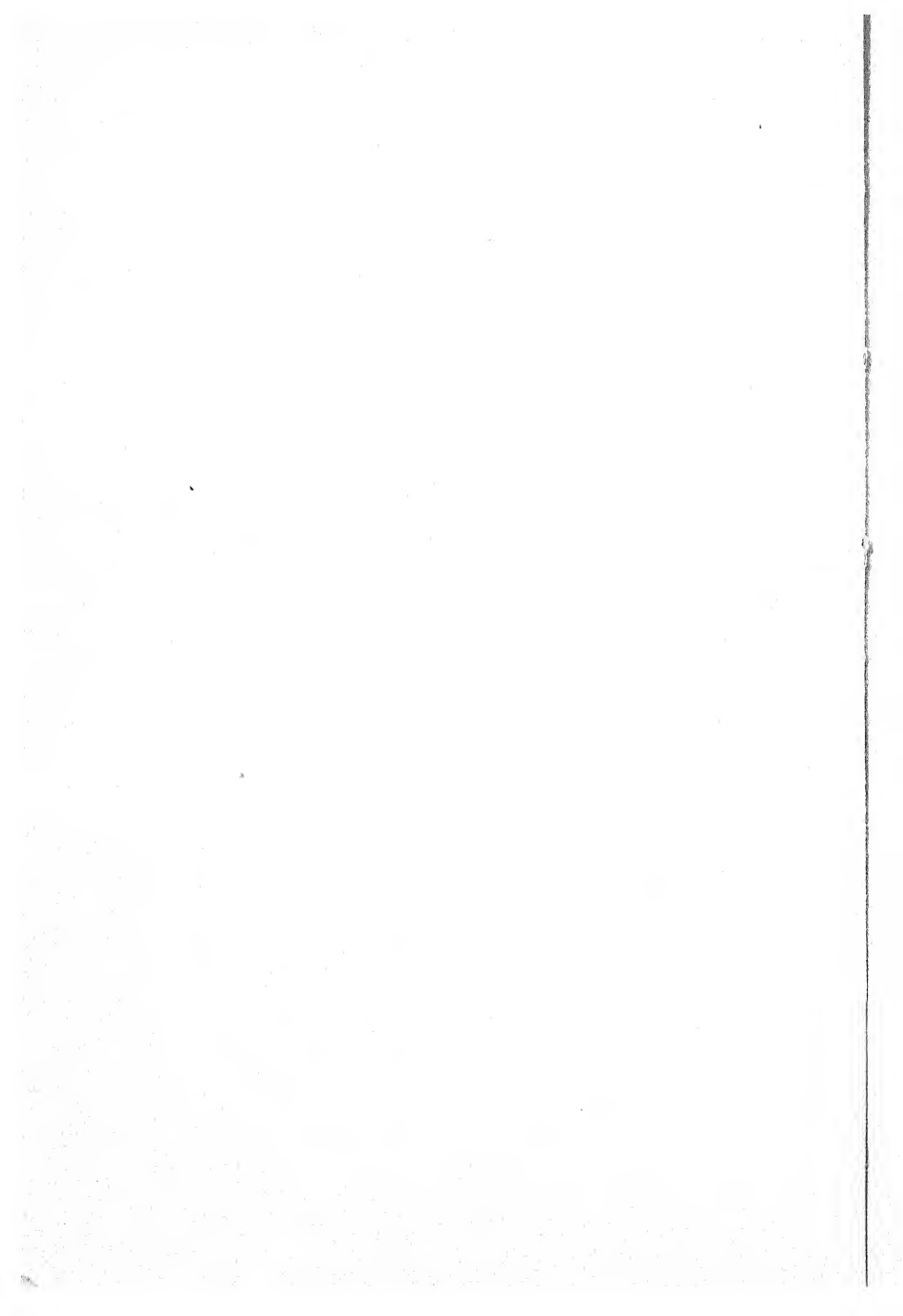
Les candidates étrangères à l'Administration rédigent sur papier timbré une demande de participation au concours de leur région et l'adressent au Directeur départemental qui leur fait parvenir le programme du concours.

La liste d'inscription sera close le 27 juin 1926, à 18 heures, et aucune demande parvenue au siège de la Direction après ce délai ne pourra être retenue.

L'échelle de traitement des dames employées est fixée ainsi qu'il suit :

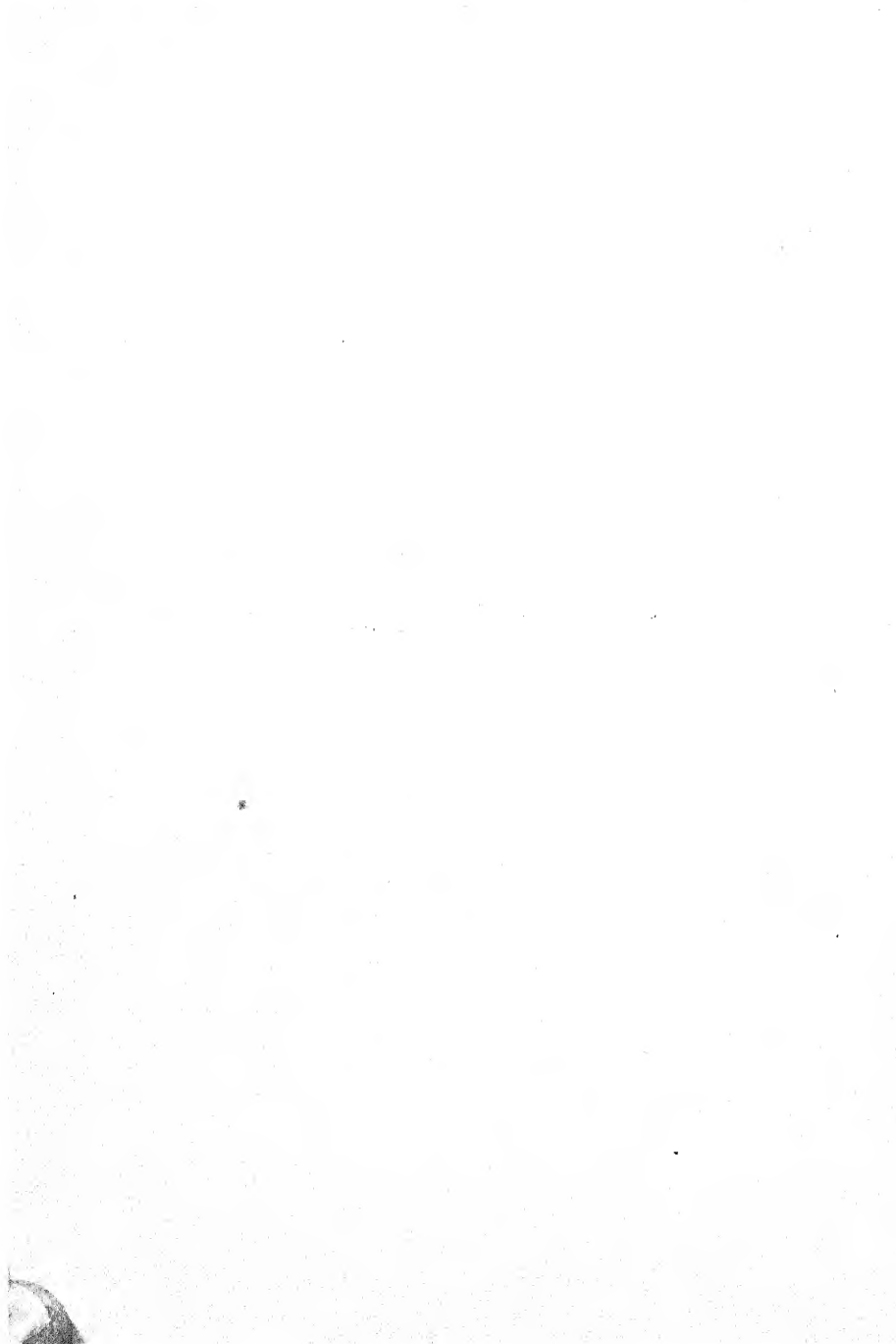
6.000 francs — 6.400 francs — 6.800 francs — 7.200 francs
7.700 francs — 8.200 francs — 8.700 francs — 9.200 francs.

Les dames employées nommées dans certaines villes ont droit à une indemnité de résidence.



APPENDIX B

SPECIMEN SERVICE RATING FORMS



NOTES ANNUELLES 192

A renvoyer sous pli cacheté à l'adresse
de Monsieur le Chef du Service du Personnel (confidentiel).

1^{re} FEUILLE à remplir par l'agent.

M. ⁽¹⁾

né à , département

Grade et résidence :

Traitement de

⁽¹⁾ Souligner le prénom par lequel l'agent est désigné dans sa famille.

Situation militaire : Services militaires pendant la guerre : Distinctions obtenues au titre militaire :	
1 ^{re} Position de famille et de fortune de l'agent : 2 ^{re} Célibataire, veuf ou marié : 3 ^{re} Nombre, sexe, date de naissance de chacun des enfants : 4 ^{re} Nombre des enfants vivant sous son toit :	
1 ^{re} Date du mariage : 2 ^{re} Nom de la femme ayant son mariage, 3 ^{re} Nationalité de la femme avant son mariage : 4 ^{re} Position de famille et de fortune des parents de la femme, lieu de leur résidence :	
Constitution { 1 ^{re} de l'agent : et santé { 2 ^{re} de sa famille :	
Adresse en France de LA FAMILLE DE L'AGENT :	

A. E. 1 - 1 - 1023. [17767]

N. B. Les agents sont personnellement intéressés à remplir intégralement chaque année la feuille de notes qui les concerne et à fournir des indications exactes et détaillées qui seront toujours consultées à l'occasion des diverses propositions dont ils pourront être l'objet.

T. S. V. P.

<p>Instruction littéraire et scientifique.</p> <p> { 1° Diplômes. 2° Langues étrangères que l'agent parle et écrit. 3° qu'il parle seulement. </p>	
<p>Postes que l'agent tient à occuper :</p> <p>Tient-il à rester à son poste actuel :</p> <p>Raisons qu'il peut invoquer pour solliciter son changement ou son maintien :</p>	

INDICATIONS DIVERSES :

Fait à

, le

192

Signature de l'Agent :

2^e FEUILLE

à remplir par le chef hiérarchique de l'agent, c'est-à-dire :

1^o Pour les Secrétaires, Consuls suppléants, Chanceliers, Interprètes, Élèves Vice-Consuls, etc.,
par le Chef de Poste :

2^o Pour les Consuls généraux, Consuls et Vice-Consuls chargés de la direction d'un poste, par le
chef de la Mission diplomatique ou par le Chef de la Circonscription consulaire dont ils relèvent.

M.

Année 192

Rappeler le nom de l'agent.

Instruction professionnelle.	
Exactitude dans le service ou dans la correspondance avec le Chef de Mission diplomatique ou avec le Chef de la Circonscription consulaire.	
Éducation.	
Caractère.	
Conduite privée.	
Rapports <div style="display: inline-block; vertical-align: middle; margin-left: 10px;"> { 1^o Avec les supérieurs. 2^o Avec les subordonnés. 3^o Avec les autorités. 4^o Avec le public. </div>	
Aptitudes spéciales.	
Détail succinct des services pendant l'année et des travaux dont l'agent a été spécialement chargé.	

T. S. V. P.

OBSERVATIONS PARTICULIÈRES ET PROPOSITIONS ⁽¹⁾ DU CHEF HIÉRARCHIQUE.

Fait à

, le

192 .

Signature du Chef hiérarchique :

⁽¹⁾ Indépendamment des renseignements divers qui ne pourraient trouver place dans le cadre ci-contre, indiquer ici tous faits particuliers susceptibles d'attirer l'attention du Département.